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# Past, Present, and Future Roles of Child Protective Services

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## Abstract

Contemporary social issues typically spring from historical roots, and, as this article points out, that is particularly true of the effort to find a balanced, fair, and helpful way of responding to child abuse and neglect. This article examines how today's child protective services system evolved from a past of almshouses, orphan trains, anticruelty societies, and legislation establishing the protection of children as a government function. The author finds that the history of child protection in the United States is marked by a continuing, unresolved tension between the aim of rescuing children from abusive homes and that of strengthening the care their families can provide. Against that backdrop, this article explains the structure of the typical child protective services (CPS) agency (the unit within a broader public child welfare department that focuses on abuse and neglect) and outlines the roles in child protection that are played by the police, the courts, private and public social service agencies, and the community at large. According to the author's analysis, the fundamental challenges facing CPS can be captured in two questions regarding appropriate boundaries for the agency: Which situations require the agency's intervention? And how can the broader resources of the community be mobilized in the effort to protect children?

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**T**he protection of children is a value shared by all cultures and communities around the globe. In almost all societies, responsibility for raising children well and preparing them for adulthood goes beyond the parents and is shared, to some degree, by the community at large. The community's investment in the well-being of its children is reflected in cultural mores and social norms, and in legal frameworks that permit intervention in individual families when children are abused or neglected.

In the United States, independence, privacy, and parental rights are highly prized. The legal system supports the right of families to rear their children according to their own values, and requires evidence of danger or harm before the state may invade the sanctity of the home to protect children.<sup>1,2</sup> Given the value society places on privacy, even neighbors and

friends are often reluctant to informally intervene into family relationships. Controversy surrounds the work of child protection because it juxtaposes the need for social intervention to protect children and the inherent rights of parents. As a result, efforts to improve upon the nation's system of child protection often aim to find a balance between these competing values.

The formal system through which this society responds to child abuse and neglect is now largely a governmental one, although in the past, private child advocacy and child welfare agencies were the leaders in actions on behalf of vulnerable children. Today, primary responsibility for child protection is vested in public child protective services (CPS) agencies, which receive, investigate, and respond to reports of child abuse and neglect. These agencies are usually linked to child welfare departments with broader responsibilities, which include foster care and adoption. Both are typically housed within state or county departments of social services. CPS functions are funded through state or local authorities and are governed by state statutes, although they have been shaped by federal leadership, legislation, and funding. At the local level, the work of CPS is done in close coordination with the courts, law enforcement agencies, and local social service providers.

This article first reviews the history of the nation's response to child maltreatment, tracing the shift in responsibility from private charities to public agencies. It also documents how efforts to provide substitute homes for children whose parents abuse or neglect them have overshadowed efforts to strengthen vulnerable families so children can remain at home. Second, the current role of CPS is outlined and discussed in relation to the other organizations (such as the courts) that contribute to child protection. Last, two key challenges now confronting the nation's child protection system are briefly discussed: the difficulty of determining which cases should be served by CPS, which is a relatively intrusive and authoritative intervention into family life; and the importance of involving other community members and organizations in the effort to protect children.

### Historical Overview

The history of the nation's response to child abuse and neglect has been marked by a tension between two missions: an emphasis on rescuing children from abusive or neglectful families on the one hand, and efforts to support and preserve their families on the other. The contemporary debate over the priority given to these competing goals, waged in the press and in scholarly journals,<sup>3,4</sup> is actually more than 100 years old. The child rescue orientation is reflected in a long-standing tendency to see child maltreatment as arising from poverty and parental irresponsibility, and so to emphasize the removal of children from their homes to

protect them. The family support approach, by contrast, focuses on ameliorating the social and environmental factors that contribute to parental stress and child maltreatment. The child rescue orientation was evident even in colonial times, while the family support philosophy's earliest roots can be found in the social services orientation of the progressive movement in the early twentieth century.<sup>5</sup>

#### 1700s and 1800s: Indenture and Institutions

The legal basis for efforts to protect needy children in colonial times rested on the English Poor Law of 1601, which placed

public responsibility for the poor in the hands of local townspeople.<sup>5</sup> The doctrine known as *parens patriae*, or the ruler's power to protect minors, was viewed as justification for governmental intervention into the parent-child relationship, either to enforce parental duty or to supply substitute care for the child.<sup>1</sup> The attention of community leaders, philanthropists, and social reformers who were concerned about child abuse and neglect focused primarily on the children of the poorest families and on those who were orphaned, abandoned, or unsupervised. Children of the "unworthy poor" were saved from developing slothful ways by separation from their parents through indenture or placement in institutions.<sup>6</sup> Actions taken on behalf of those children were typically justified on moral grounds, but they also served as potent instruments of social control.

During most of the nineteenth century, destitute children were sent to institutions operated by private, charitable organizations. For instance, foundling hospitals to care for unwanted babies opened in some communities in the early nineteenth century. Many more poor or abandoned children were sent to live in almshouses—facilities established in the 1800s in many large cities to house the very poor of all ages. Almshouses provided a minimal standard of care to orphaned or needy children and to impoverished, insane, or diseased adults.<sup>7</sup> Typically, when the children reached 9 or 10 years of age, they were either indentured to families as servants or apprenticed out to learn a skill and pay for their care by their free labor.<sup>5</sup>

The second half of the nineteenth century saw increasing criticism of the impacts that the unsanitary, chaotic almshouses had on children, especially the very young, who suffered high mortality rates there. Private charities and religious groups established orphanages or children's asylums to separate needy children from adults and protect them from the disease, maltreatment, and exploitation that faced them in almshouses. A number of states passed laws requiring that children be moved from almshouses to such children's institutions. The care of needy children was considered a public responsibility and so was financed with public dollars, although private agencies provided the care.

The demands that urbanization, industrialization, and immigration placed on poor and working-class families in the late nineteenth century left many children unattended. Child vagrancy became an increasingly visible problem. In 1853, a young minister named Charles Loring Brace responded to the huge numbers of homeless, ragged, hungry children prowling the streets of New York City by forming the Children's Aid Society to rescue those children. During a span of 75 years, the Children's Aid Society sent more than 150,000 orphans by train to live in Christian homes in rural areas, often in the Midwest,

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where their labor was valued by farm families.<sup>5,7</sup> Rural states also relied on family placements to care for their own homeless or dependent children. For instance, between 1866 and 1899, the state of Ohio established 50 homes in which farm families cared for wards of the county at a cost of one dollar per week per child.<sup>7</sup> These homes can be seen as precursors of today's foster care system.

In the eighteenth and nineteenth centuries, poor and immigrant parents were rarely treated with compassion. Those facing hard times received little help. When there was a lack of supervision, a home was unsafe, or a family was not economically viable, the children were often removed. Some resourceful families escaped detection by the authorities, and others received help through ties to religious communities, assistance societies for ethnic immigrant groups, or the nascent political machines in urban areas. Most families, however, faced their troubles on their own because help was not readily available, or because they wanted to avoid the risk of losing their children.

### **1877 to 1920: Anticruelty Societies**

The forerunners of the child protective services (CPS) agencies that today investigate and respond to child abuse and neglect were private associations known as "anticruelty

societies.” The New York Society for the Prevention of Cruelty to Children was the first to be formed, following a famous case in New York City. A visiting nurse made headlines by demanding the same intervention for a severely abused child (called Mary Ellen) that would be afforded an animal in similar circumstances. In that same year, 1877, New York State passed a law to protect children and punish wrongs done to them, giving the anticruelty societies a legal foundation and a mandate to identify children who were being mistreated by their families.<sup>7</sup> More states passed laws protecting children as the twentieth century began, laying the groundwork for the nation’s juvenile court system.<sup>8</sup>

By the early twentieth century, more than 300 Societies for the Prevention of Cruelty to Children (SPCCs) operated in cities in the Northeast and the Midwest under the umbrella of the American Humane Association.<sup>6</sup> These private agencies, supported by public and private funds, investigated reports of child abuse and neglect, filed complaints against the perpetrators in court, and aided the courts in the prosecution of

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those complaints.<sup>6,7</sup> Some SPCCs were given police powers and could take custody of children pending the investigation. In the nineteenth century only one state, Indiana, relied on a governmental body to perform these duties.<sup>7</sup>

The philosophies of the SPCCs that developed in different states varied in the emphasis they placed on the mission of rescuing children from unhealthy environments or neglectful families, compared with that of helping families to provide more appropriate care for their offspring. Initially, many SPCCs adopted a punitive emphasis on the investigation and prosecution of charges of maltreatment, which dismissed parents as, in the words of the director of the

New York SPCC, “cruelists.”<sup>9</sup> In other states, the SPCCs attempted to assist families instead. For instance, when it began in 1878, the Massachusetts SPCC operated “primarily as an arm of the law,”<sup>10</sup> but by 1907 it came to stress family rehabilitation and community reform under C.C. Carstens, its new executive director. Under his leadership, the MSPCC helped to address the environmental issues children and families faced, such as poor housing; lack of food, clothing, and child care; and harmful neighborhood conditions. He thought the SPCCs had to organize not only against individual cases of abuse and neglect, but also to prevent what he called “community neglect.”<sup>11</sup> His ideas placed child protective work firmly in the camp of progressive social action.

As a general progressive agenda of social reform was adopted in the early years of the twentieth century, the approach of assisting parents to care for their children was more widely endorsed.<sup>5</sup> For instance, in 1909, the first White House Conference on Children issued the following policy statement: “No child should be removed from the home unless it is impossible so to construct family conditions or to build and supplement family resources as to make the home safe for the child. . . .”<sup>12</sup>

A leader in the American Humane Association, Dr. Vincent de Francis, explained the emerging philosophy this way: “The best way to rescue a child is to rescue the family for the child.”<sup>13</sup> In 1920, the newly established Child Welfare League of America worked with the American Humane Association and other agencies to promote the idea of a national (though largely private) child welfare program that would stress temporary out-of-home care for dependent children, and would attempt to preserve the natural family home whenever possible.

### **1920 to 1950: The Emerging Child Welfare System**

During the mid-twentieth century, the issue of child protection was transformed in the eyes of professionals from one of law enforcement to one of rehabilitation through social services. Efforts to protect children gradually became part of the growing array of human services provided by governmental agencies. By the 1930s and 1940s, the functions once performed



by the humane societies were taken over by a variety of public and voluntary organizations such as juvenile courts, juvenile protective associations, family welfare societies, and some newly formed governmental bodies. The growing acceptance by states, counties, and municipalities of the responsibility for child protection, although uneven, marked a new era in the child welfare movement.<sup>5,14</sup>

The federal government first ventured into the child welfare arena with the passage of the Social Security Act of 1935. That law established the Aid to Dependent Children program, which offered cash assistance to enable poor, single mothers to care for their children rather than lose custody of them. A lesser-known part of that legislation (Title IV-B, Child Welfare Services) provided limited federal funding to encourage states to develop preventive and protective services for vulnerable children. (See the article by Courtney in this journal issue.) In practice, however, states used these funds to pay for foster care of children, not to provide supportive services to families whose children remained at home.<sup>15</sup> A summary of major federal legislation pertaining to child protection is provided in Box 1.

### **1960 to 1980: Battered Children and Reporting Laws**

In the 1960s, medical professionals focused public attention on evidence that many physical injuries to children were apparently inflicted by parents or caregivers. X-rays and

other documentation of these injuries brought widespread coverage to what was dubbed the “battered child syndrome.”<sup>16</sup> Some parents sought care for their injured children at different hospitals to avoid detection (“hospital hopping”), and this behavior prompted efforts to keep track of potential perpetrators and victims. Child abuse and neglect became an issue of true national importance, and the role played by government agencies in identifying and responding to the problem expanded significantly.

A federal law enacted in 1974, the Child Abuse Prevention and Treatment Act (Public Law 93-247, called CAPTA), encouraged the states to pass laws requiring that professionals and others identify children who needed protection, and that public social service departments investigate reports of maltreatment and keep track of substantiated cases. CAPTA also established the National Center on Child Abuse and Neglect, which developed standards for receiving and responding to maltreatment reports. Buoyed by growing public awareness of child maltreatment, this federal leadership helped to establish a nationwide system of child protection encompassing state statutes that mandate the reporting of physical abuse, neglect, sexual abuse, and exploitation; CPS agencies that investigate reports; and state-level central registries of perpetrators and victims.

CAPTA also offered grants to assist the states that met national standards to develop

## Box 1

### U.S. Child Protection Legislation at a Glance

- ***Child Welfare Services Program, Title IV-B of the Social Security Act (1935)*** provides grants to states to support preventive and protective services to vulnerable children and their families. Initially, most funds went to foster care payments; since 1980, federal law has encouraged prevention of out-of-home placement.
- ***Foster care payments under the Aid to Dependent Children program, Title IV-A of the Social Security Act (1961)*** provide federal funds to help states make maintenance payments for children who are eligible for cash assistance and who live in foster care. Such payments go to foster parents to cover the costs of children's food, shelter, clothing, supervision, travel home for visits, and the like. In 1980, this program was transferred to a new Title IV-E of the Social Security Act.
- ***The Child Abuse Prevention and Treatment Act (CAPTA), Public Law 93-247 (1974)*** provides limited funding to states to prevent, identify, and treat child abuse and neglect. It created the National Center on Child Abuse and Neglect, developed standards for receiving and responding to reports of child maltreatment, and established a clearinghouse on the prevention and treatment of abuse and neglect. Changes in 1996 reinforced the act's emphasis on child safety.
- ***The Social Services Block Grant, Title XX of the Social Security Act (1975)*** provides funds the states can use for social services to low-income individuals. A significant but unknown proportion of these funds pays for services related to child protection, including prevention, treatment programs, and foster care and adoption services.
- ***The Indian Child Welfare Act, Public Law 95-608 (1978)*** strengthens the role played by tribal governments in determining the custody of Indian children, and specifies that preference should be given to placements with extended family, then to Indian foster homes. Grants to allow tribes and Indian organizations to deliver preventive services were authorized, but have not been funded.
- ***The Adoption Assistance and Child Welfare Act, Public Law 96-272 (1980)*** requires states that seek to maximize federal funding to establish programs and make procedural reforms to serve children in their own homes, prevent out-of-home placement, and facilitate family reunification following placement. This act also transferred federal foster care funding to a new Title IV-E of the Social Security Act, and it provides funds to help states pay adoption expenses for children whose special needs make adoption difficult.
- ***The Family Preservation and Support Initiative, Public Law 103-66 (1993)*** gives funds to the states for family preservation and support planning and services. The aim is to help communities build a system of family support services to assist vulnerable children and families prior to maltreatment, and family preservation services to help families suffering crises that may lead to the placement of their children in foster care.
- ***The Adoption and Safe Families Act, Public Law 105-89 (1997)*** reauthorizes and increases funding for the Family Preservation and Support program, while changing its name to "Promoting Safe and Stable Families." This law also requires states to move children in foster care more rapidly into permanent homes, by terminating parental rights more quickly and by encouraging adoptions.

Sources: U.S. House of Representatives, Committee on Ways and Means. *1996 green book: Background material and data on programs within the jurisdiction of the Committee on Ways and Means*. Washington, DC: U.S. Government Printing Office, 1996; Pecora, P.J., Whittaker, J.K., Maluccio, A.N., et al. *The child welfare challenge: Policy, practice and research*. New York: Aldine de Gruyter, 1992, pp. 13-30.

child protection programs, but the funds were too limited to provide extensive service programs. (See the article by Courtney in this journal issue.) In 1975, Congress passed Title XX of the Social Security Act, giving the states resources they could use to address child abuse and neglect, or other social service needs. Even so, by the end of the decade, three-fourths of all child welfare monies were devoted to foster care rather than to services to support and preserve families.<sup>15</sup>

In a related development, the Indian Child Welfare Act of 1978 (Public Law 95-608) clarified and reinforced the role played by Native American families and tribal governments in decisions about the protection and placement of their children. This law mandated that state courts act to preserve the integrity and unity of Native American families, but like CAPTA it did not include significant funding for services.<sup>17</sup>

### 1980 to Present: Rising Demand for Resources

As public awareness of child maltreatment intensified, reports of child maltreatment grew exponentially in number. Between 1976 and 1993, the number of children officially reported as abused or neglected rose by more than 347%.<sup>18</sup> The increased volume of cases has stressed the child protection system's capacity to respond. Cases that are considered serious have been investigated, but relatively few resources are available to support ongoing social services to children and families, even when evidence of maltreatment is found. As a result, CPS agencies have been criticized for not doing enough for the families identified as having problems. At the same time, they have been accused of interfering unnecessarily in families through adversarial investigations of parenting practices.<sup>3</sup>

Public concern grew during the 1970s over the large number of children being placed in foster care, the length of time they remained in care, and the number who drifted from foster home to foster home, neither returning to their own parents nor being released for adoption.<sup>19</sup> With the Adoption Assistance and Child Welfare Act of 1980 (Public Law 96-272), the federal government required states to make "reasonable efforts" to prevent out-of-home placement and to promote family reunification or find

permanent homes for children who had to be placed. State eligibility for federal funding for foster care (almost 75% of all foster care dollars) was tied to these requirements. This legislation strengthened connections among investigatory CPS agencies; child welfare agencies, which oversee children in foster care; and the juvenile courts, which review public agency efforts to avoid placement and achieve permanency for children.

The sweeping reforms envisioned in the law have not been fully implemented, however. The courts in many jurisdictions were not fully prepared for their new role,<sup>20</sup> and child welfare agencies were hindered by having only limited budgets for services while they faced new administrative demands and increasing caseloads.

The problem of limited services was partially addressed by a 1993 amendment to the Social Security Act that established the Family Preservation and Family Support program. This federal program provides funds to help communities build a system of preventive and crisis intervention services

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for vulnerable children and families. (See the article by McCroskey and Meezan in this journal issue.) Importantly, the funding is allocated according to the needs and priorities of local communities, which were identified through an extensive process for developing state plans for using these valuable federal dollars.<sup>21</sup>

### Summary

This review of the history of concern for children who experience abuse and neglect shows that the American system of child protection arose out of the philanthropic and child-saving motivations of private individuals and organizations, which often focused on poor families. Despite the obvious connection between the needs of children and the conditions faced by their families, however, recognition of this link has not translated into support for services to maintain

and enhance family functioning. Instead, child welfare agencies—both private and public—have focused on providing substitute child-rearing environments for children whose parents are unable or unwilling to give them the care they need.

With escalating concerns about the effects on children of spending long periods of their childhood in temporary foster homes, interest has grown in efforts to preserve families and maintain bonds of both kinship and community. (See the article by Berrick in this journal issue.) Current reformers hope to use child welfare services to support and assist families who are having

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***A CPS staff member must draw conclusions regarding the validity of the allegations, the identity of the perpetrator, and the condition of all the children in the home.***

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problems with child rearing, not only to replace those families.<sup>22</sup> Attention now is devoted to the need to link the various public and private agencies working with children and families within communities, and to forge ties between formal helping agencies and informal networks of extended family, friends, and neighbors who support each other in their parenting responsibilities.<sup>23</sup>

However, a public policy framework for providing supportive services to families, such as those that exist in many other countries, has never really taken hold in the United States.<sup>24</sup> Moreover, the public and private resources available for financial assistance and service programs for children and families—already inadequate to meet existing needs—may shrink further as states and local communities juggle competing demands on a limited pool of tax dollars. Reflecting the long-standing dilemma of child protection intervention, current policy debates still revolve around the need to balance protections for children with efforts to preserve families.

### **The Current System of Child Protection**

The historical overview provides a context for understanding the expectations placed

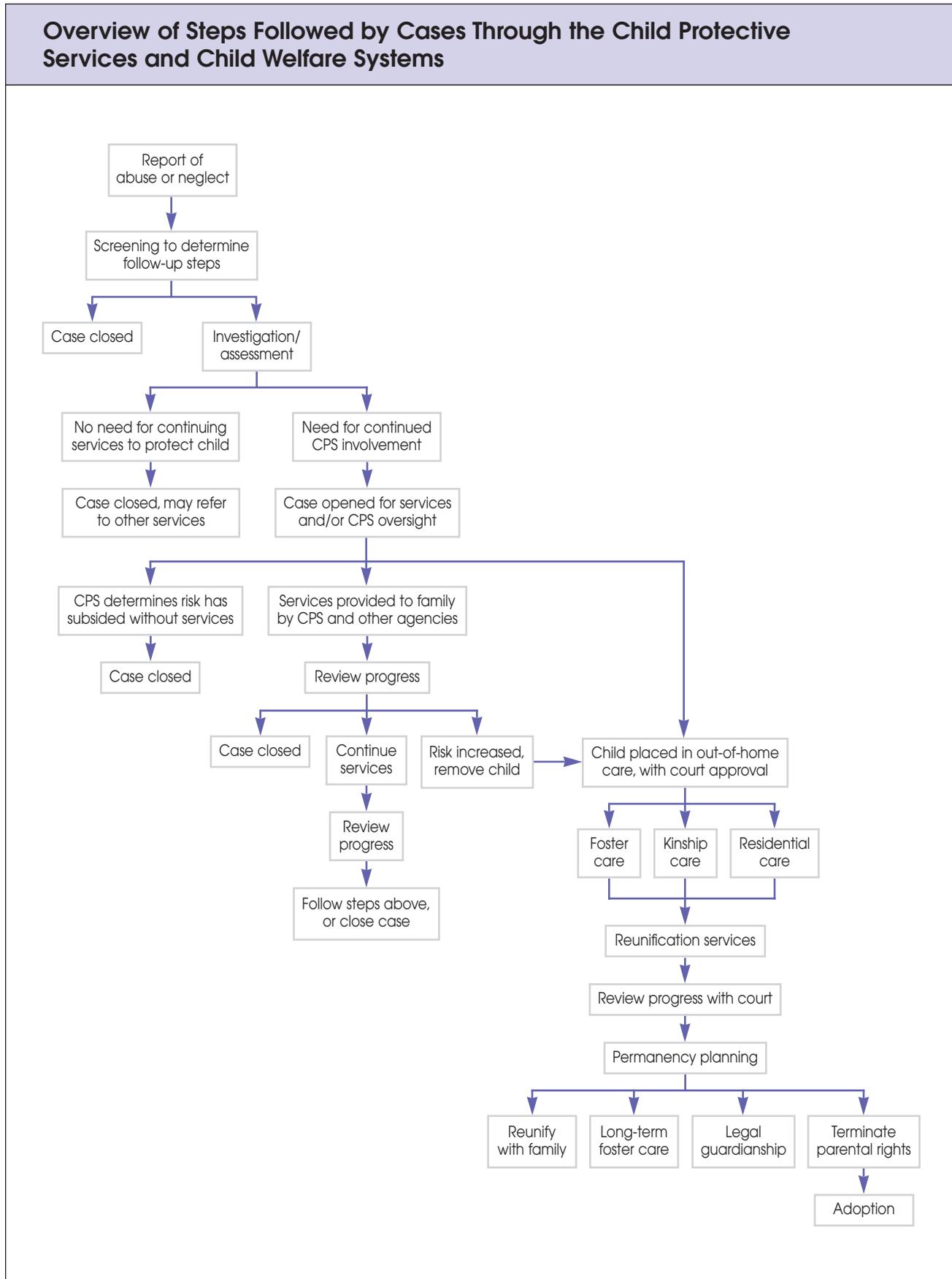
on public CPS agencies, which are responsible for responding to community concerns about children who may be experiencing abuse or neglect. Although many communities are examining and reforming the work of CPS agencies, the description below summarizes in a general way the child protection roles traditionally played by CPS, the courts, and other groups in the community. The reforms being considered and tried around the country are briefly mentioned at the end of this article, and are discussed more thoroughly in the article by Waldfogel in this journal issue.

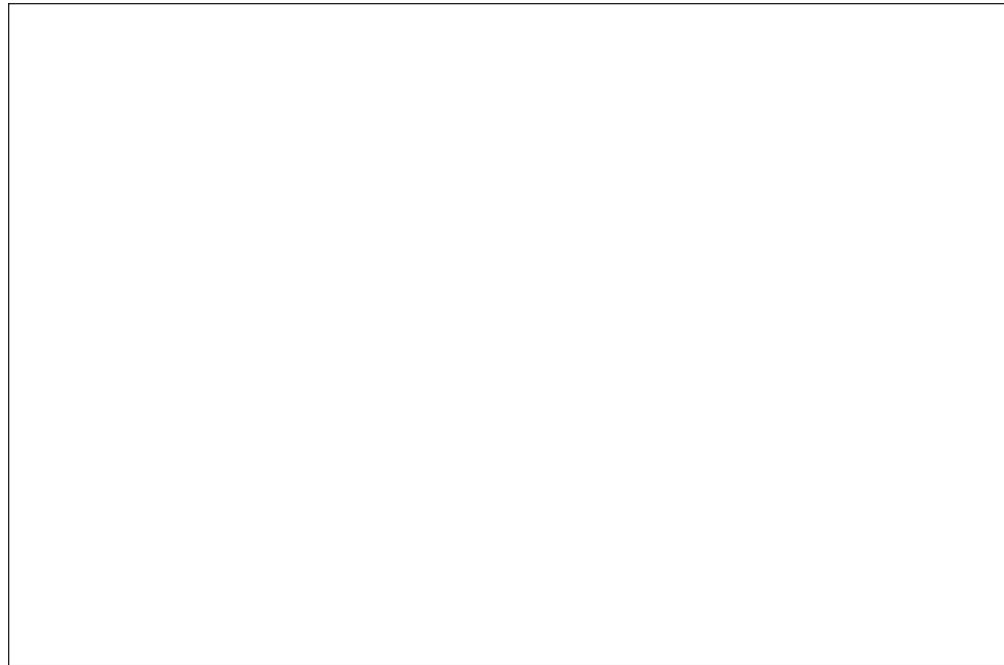
### **The Role of CPS**

When the term “child protective services” is used in contemporary parlance, it most commonly refers to a particular agency with that name within a public department of social services or in a tribal government. That public agency’s functions include receiving, screening, and investigating reports of child abuse and neglect from the community to determine if they meet the criteria defining maltreatment set out in state statute and policy. Figure 1 outlines the movement of child protection cases through the typical system. The organizational charts of state departments of social services usually show CPS located within a larger unit of child welfare services, which may also include foster care and adoption services, licensing and oversight of foster homes and residential care facilities for children, and services to the developmentally disabled or emotionally disturbed. CPS and child welfare services often fit within a still broader department encompassing varied services to children and families, such as child care, youth programs, child support collections, and sometimes cash assistance and employment programs.

Reports of abuse or neglect that warrant investigation are typically assigned to a CPS staff member, who must draw conclusions regarding the validity of the allegations, the identity of the perpetrator, and the condition of all the children in the home. The CPS worker also determines the need for further agency oversight of the family, the need to remove the child or perpetrator from the home, and the need to immediately involve law enforcement, the courts, or other service providers in the community. The CPS agency may provide ongoing

Figure 1





casework services to address the family conditions that led to the maltreatment; change the behavior of parents and secure for the child an acceptable level of care, nurturance, and safe discipline; and link the parents to resources and services that will help them to care for their own children.<sup>2,17,25</sup> Box 2 describes the actions typically taken by CPS staff while managing a case.

### **Roles Played by Others**

Other agencies and community members also play critical roles in protecting children from abuse and neglect, and responding to maltreatment once it occurs.<sup>26</sup> This broad community system includes the individuals who report abuse and neglect, the hot line that receives and evaluates reports, and the CPS agency that investigates those reports. Law enforcement officials may participate in the investigation by gathering evidence and helping to decide whether to remove the children from the home, and they press criminal charges against perpetrators when such charges are warranted.

Juvenile and family courts hear the allegations of abuse and neglect brought against families by police and child protective services agencies, and they decide if the situation makes it necessary for the child to be placed outside the home, if services to the parent should be ordered by the court, or if no action is needed. The CPS caseworker

who seeks to remove a child from home presents arguments to the court at an “emergency hearing” attended by the parents, which is to be held promptly—usually within 72 hours. This is the forum for considering safe alternatives to removal such as providing services to the family, removing the abuser from the home, or sending the child to stay with relatives. Within 60 to 90 days, an adjudicatory hearing (trial) is held to determine whether the child was abused or neglected. A later dispositional hearing assigns custody (or legal responsibility) for the child to the parents or to the state, and outlines a plan to rehabilitate the parents and protect the child. If the child remains in out-of-home care, periodic review hearings are held to ensure that efforts are being made to reunify the family or to give the child a new permanent home. If reunification is not possible, the CPS agency can request that the court terminate parental rights and approve an adoption or legal guardianship arrangement.<sup>20</sup> (See also Figure 1, which includes the role of the courts.)

Both public and private child welfare agencies identify and support alternative care resources for children who need to be removed from their homes—foster homes, homes of relatives, emergency shelters, and group or institutional care settings. When children are not removed from their homes, these same agencies often provide services

## Box 2

### Stages of CPS Decision Making and Casework

Although terminology and organizational structures vary across jurisdictions, caseworkers typically follow these steps when responding to an allegation of child abuse or neglect. At each step, the caseworker documents actions and decisions in the case record.

#### Intake

- Receive the report
- Explore appropriateness of the referral
- Check for previous reports
- Decide whether to investigate
- Determine the urgency of response
- Assign the report to an investigator or assessor

#### Initial Assessment/Investigation

- Make contact with the child and family
- Assess the harm to the child and other children in the home
- Assess the risk for future harm
- Determine the evidence of abuse/neglect
- Provide emergency services
- Identify resources that could be tapped to protect the child while at home
- Decide on removal of the child
- Find an appropriate placement
- Involve law enforcement and courts, as indicated
- Decide whether to keep case open for continuing protective services or refer to other services
- Provide feedback to parents and other relevant individuals
- Provide results of the assessment/investigation to the state child welfare information system

#### Service Planning

- Specify changes needed to assure the child's safety
- If a child is in placement, decide on permanency goal and develop resources

#### Service Planning (continued)

- Explore the family's strengths and needs
- Identify the outcomes anticipated through services
- Determine what will be provided by whom, for how long, with what frequency
- Establish dates for review
- Continue to review safety of child

#### Service Provision

- Contract for or coordinate services provided by other agencies
- Clearly communicate service goals
- Deliver selected services directly
- Prepare for court hearing, as needed
- Continue to review safety of child

#### Evaluating Progress

- Review progress with all service providers and court, if involved
- Obtain client perceptions of progress
- Determine which services in the plan are still needed, new referrals needed
- Continue to review safety of child

#### Case Closure

- With the family, evaluate progress
- Assess continuing risks to the child
- Identify steps to be taken if protective issues reemerge
- Decide whether to close the case
- Communicate decisions to all relevant agencies and persons
- Document the rationale for case closure

to address serious family problems that threaten children's safety.

A broader range of public and private agencies provide services that address the conditions leading to the maltreatment. They may work to modify parenting behavior to secure an acceptable level of care, nurturance, and safe discipline for the child, and link the parents or caretakers to the

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***Common resources tapped by caseworkers are emergency medical services, domestic violence shelters, substance-abuse treatment, emergency housing, mental health evaluation, child care, and ongoing counseling.***

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basic resources they require to care for their children. The most common resources tapped by CPS caseworkers on behalf of families are emergency medical services, domestic violence shelters, substance-abuse evaluation and treatment, emergency housing, mental health evaluation, daytime child care arrangements, diagnostic services for the child, and ongoing counseling by caseworkers.<sup>17</sup>

A less visible but critically important resource for child protection is the contribution made by worship communities, extended families, friends and neighbors, youth groups, and other community resources that support families and guide parents in the proper care and nurturance of their children. (The importance of these community resources is also discussed in the article by Waldfogel and the commentary by Weber in this journal issue.)

### **A Changing System**

As mentioned earlier, ideas regarding public responsibility for child welfare services have shifted over the years. Over time, the once-broad public function of child welfare agencies has narrowed. In the 1970s, child welfare departments (while never uniform across jurisdictions) commonly provided a wide variety of health, mental health, and social services for a broad range of populations.<sup>24</sup> At present, only CPS investigations, the management of foster care, adoption services, and the licensing of child care facil-

ities are usually considered core child welfare services. Most families come to the attention of the child welfare department through the stigmatizing door of CPS, because they are alleged to be mistreating their children. Others receive child welfare services along with Medicaid or financial assistance benefits. Few families that are not already clients of the public system receive the supports child welfare departments can provide. Financial constraints and federal funding policies, which pay for services only to individuals who meet categorical eligibility criteria, lie behind most of these restrictions and changes in child welfare services.

By contrast, changes in the role of CPS have often been motivated by the controversy surrounding the service that CPS provides. Many believe that the agencies respond in an inappropriately adversarial manner to many family situations, and that they do not really help many of the children and families identified through reports of possible child maltreatment.<sup>3</sup> Public scrutiny has helped spawn innovations that are beginning to change the role played by CPS agencies in child protection. (See the article by Waldfogel in this journal issue.)

These pressures for change illustrate the fundamental debate about the government's response to vulnerable children. Critics cite the "deficit" orientation of child protective services that seek to provide a substitute for a natural family environment when the family has become unable to carry out its responsibilities for the care of children.<sup>27</sup> Progressives today see child welfare services as a *support to families*, not just a substitute for them. (See the article by McCroskey and Meezan in this journal issue.) There is broad agreement that placing children in substitute families may be a recipe for instability, and may unnecessarily alienate children from the potentials of their original family and social environment. (See the article by Berrick in this journal issue.) Even so, few family support services are provided through public child welfare agencies to children who remain at home.<sup>25</sup>

### **Challenges Facing the Child Protection System**

Many steep challenges face the nation's system of response to child abuse and

neglect. In 1994, almost 3 million reports of child maltreatment were made by concerned individuals who took the initiative to make the report and who expected their actions to be helpful to the children.<sup>28</sup> The allegations were substantiated by authorities about one-third of the time. The result for some of these children was that their families received help. An appropriately smaller number were removed from their homes to protect them while their families were given the chance to benefit from services. The current system is advanced compared to what was in place even a generation ago, yet it still does not respond effectively to all legitimate community concerns for the safety of children.

Of all the challenges that are faced in designing a response to abused and neglected children, two stand out as most fundamental. The first relates to deciding which situations require the formal and often involuntary involvement of the CPS agency to protect children. The second challenge is how to bring the broader resources of a community together to effectively protect children and strengthen their families.

### Which Cases Belong in CPS?

Currently, decision making in CPS differs across states and across local agencies, but the criteria for accepting a case for assessment or investigation generally require evidence that an “incident” or “situation” that fits the state definition of child maltreatment has already occurred. The outcome of the investigation is most commonly determined by whether the incident or situation can be substantiated, the perpetrator can be identified, and the circumstances meet some understood level of severity. (See the article by English in this journal issue.)

Most organizations that set professional standards in the field of child protection agree that two essential ingredients should be present to justify child protection intervention in the lives of families: a child is in need of protection, and the parents or caretakers are unwilling or unable to provide that protection.<sup>29</sup> Further, these organizations suggest that CPS involvement with families should be based on clear evidence that a child has been harmed by abuse or neglect or that the potential for harm is great, and

the risk of harm is continuing because of the circumstances present in the home.

Given the intrusiveness and expense of intervention by child protective services, the cases that belong in CPS should be those in which parents are obliged to participate involuntarily in services that are intended to strengthen their ability to protect their children. In some cases, the parents agree voluntarily to receive services, and so their willingness and ability to protect their children can be assured by a less coercive approach. If family needs and strengths

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***Two essential ingredients justify intervention in the lives of families: a child is in need of protection, and the parents or caretakers are unwilling or unable to provide that protection.***

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could be assessed without the adversarial process of a CPS investigation, more parents might voluntarily participate in recommended services, because they would not have to first be labeled as child abusers. In practice, as noted earlier, involvement with CPS is often required before families can gain access to the limited services that are available. This gatekeeper role comes about because most communities do not provide easily accessible services of the types needed by vulnerable children and families.<sup>30</sup>

### How Can the Community Be More Involved?

The second key challenge faced by the current system of response to child abuse and neglect is that it is too focused on one agency—child protective services—which stands as the recipient of the community’s concerns about child maltreatment. Public and private agencies in the community report child maltreatment, but seldom address it themselves. The responsibility for responding is left to CPS, working alone or with the courts. As an arm of government, CPS is charged with providing a thorough and objective investigation, a specialized professional response, and some assurance that the family’s confidentiality will not be violated. These are legitimate and important functions, yet they have had the net effect of

## Box 3

### Core Functions of a Child Protection System

- Respond to reports of child abuse and neglect, identifying children who are experiencing or at risk of maltreatment.
- Assess what is happening with those children and their families—the safety of the children, the risk of continued maltreatment, the resources and needs of the parents and extended families, and their willingness and motivation to receive help.
- Assemble the resources and services needed to support the family and protect the children.
- Provide settings for alternative or substitute care for children who cannot safely remain at home.
- Evaluate progress of the case during service provision, and assess the need for continuing child protective services.

keeping the rest of the community somewhat at a distance.

There is an acute need to mobilize additional resources from the community to partner with CPS in protecting children. As suggested above, not all but a portion of the families who now come to CPS could effectively be served on a voluntary basis by other community agencies. Moreover, unlike CPS, community agencies and caring individuals have opportunities to reach out to parents and prevent child abuse and neglect, or to intervene with supports as soon as problems arise. Unfortunately, few communities can currently offer supportive resources to capitalize on these opportunities.

Society's expectation of the child protection system is that it will keep children safe from serious injury and that it will reach out effectively to all legitimate community concerns for the safety of children. This expectation is not being met with the current system and resources, and it is the standard by which any newly designed community-based system of child protection should be judged.

### Conclusion

The support and commitment of the public are crucial to sustaining an effective response to child abuse and neglect. In earlier periods of the history of child protection, concerned individuals and organizations stood behind an organized community

response to protect children. Now, as well, public support is needed to build the consensus necessary to intervene in family life, and to generate community and neighborhood supports that strengthen parenting and protect children. A governmental agency acting in relative isolation cannot expect to be effective without the involvement of a broad spectrum of parents, concerned citizens, community agencies, private organizations, and other public entities that work with children.<sup>23,30</sup>

Past experience suggests that the heart of an improved system must be *a community partnership for child protection* that involves parents, neighbors, and private and public agencies in a shared commitment to protect children from abuse and neglect. (See the article by Waldfogel in this journal issue.)<sup>31</sup> If these groups share in the responsibilities now assigned to CPS, which are outlined in Box 3, such a partnership could serve as a crucial adjunct to the public child protection system by reaching out to vulnerable children and families, breaking down the isolation associated with child maltreatment, and helping to meet the basic needs of families.

The bottom line for any system of child protection is that it assures safety for children—not just for those who make it into the system, but for all those who are at risk in the nation's communities. Public support for any such system will depend primarily on

whether it can assure that safety while simultaneously recognizing and respecting the responsibilities of parents to raise their own children.

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31. These ideas are being developed and implemented in the context of an Edna McConnell Clark Foundation initiative called Community Partnerships for Protecting Children. For more information, contact the Edna McConnell Clark Foundation at 250 Park Avenue, Suite 900, New York, NY 10177, (212) 551-9100.