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FACTSHEET

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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 successfully care for their children. 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:

- What happens when possible abuse or neglect is reported?
- What happens after a report is "screened in"?
- What happens in substantiated (founded) cases?
- What happens to people who abuse children?
- What happens to children who enter foster care?
- Resources

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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. 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 those who cannot safely return to their parents.

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 June 25, 2003, by the Keeping Children and Families Safe Act of 2003 (P.L. 108-36). To see the 2003 amendment to CAPTA, visit: www.acf.hhs.gov/programs/cb/laws_policies/cblaws/capta03/index.htm

Most families first become involved with their local child welfare system due to 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 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, employment assistance, and financial or housing assistance.

¹ Each State has its own laws that define child abuse and neglect for purposes of stating the reporting obligations of individuals and describing required State/local child protective services agency interventions. For State-by-State information about civil laws related to child abuse and neglect, visit the Child Welfare 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.

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 who need assistance in the protection and care of their children
- Arrange for children to live with foster families when they are not safe at home
- Arrange for 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 people who are required by State law to report suspicions of child abuse and neglect—mandatory reporters.³ As of January 2008, statutes in approximately 18 States and Puerto Rico require any person who suspects child abuse or neglect to

³ See *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), available from Child Welfare Information Gateway.

report it.⁴ Reports of possible child abuse and neglect are generally received by child protective services (CPS) workers and either “screened in” or “screened out.” A report is screened in if 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.

In 2006, an estimated total of 3.3 million referrals involving 6 million children were made to CPS agencies. Approximately 61.7 percent were screened in, and 38.3 percent were screened out (U.S. Department of Health and Human Services [HHS], 2008).

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

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 Child Welfare Information Gateway.

under State law. They may speak with the parents and other people in contact with the child, such as doctors, teachers, or childcare 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 if the child is safe, if abuse or neglect has occurred, and if there is a risk of it occurring again.

Some jurisdictions now employ an alternative 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 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 ameliorate 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 2006, approximately 905,000 children were found to be victims of child abuse or neglect (HHS, 2008).

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 CPS 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 CPS services to address safety concerns and help ameliorate 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 CPS 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.

In 2006, an estimated 312,000 children were removed from their homes as a result of a child abuse investigation or assessment. Nearly two-thirds (63.6 percent) of the victims who were removed from their homes suffered from neglect; 8.6 percent from physical abuse; 3.2 percent from sexual abuse; and 16.8 percent from multiple types of maltreatment (HHS, 2008).

What happens to people who abuse 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 upon 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.⁶ These registries are usually confidential and used for internal child protective purposes only. However, they may be used in background checks for certain professions, such as those working with children, so children will be protected 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. Parents may visit their children on a predetermined basis. Visits also are arranged between siblings, if they cannot be placed together.

Every child in foster care should have a permanency plan that describes where the child will live after he or she leaves foster care. Families typically participate in developing a permanency plan for the

⁶ 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 Child Welfare Information Gateway.

child and a service plan for the family. These plans guide the agency's work. Except in unusual 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.⁷ 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 fiscal year 2003, 55 percent of children leaving foster care were returned to their parents. The median length of stay in foster care was 12 months. The average age of a child exiting foster care was 10 years old (HHS, 2006).

⁷ 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 interest 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 children will leave the child welfare system

safely to the care of their birth family, a relative, or an adoptive home.

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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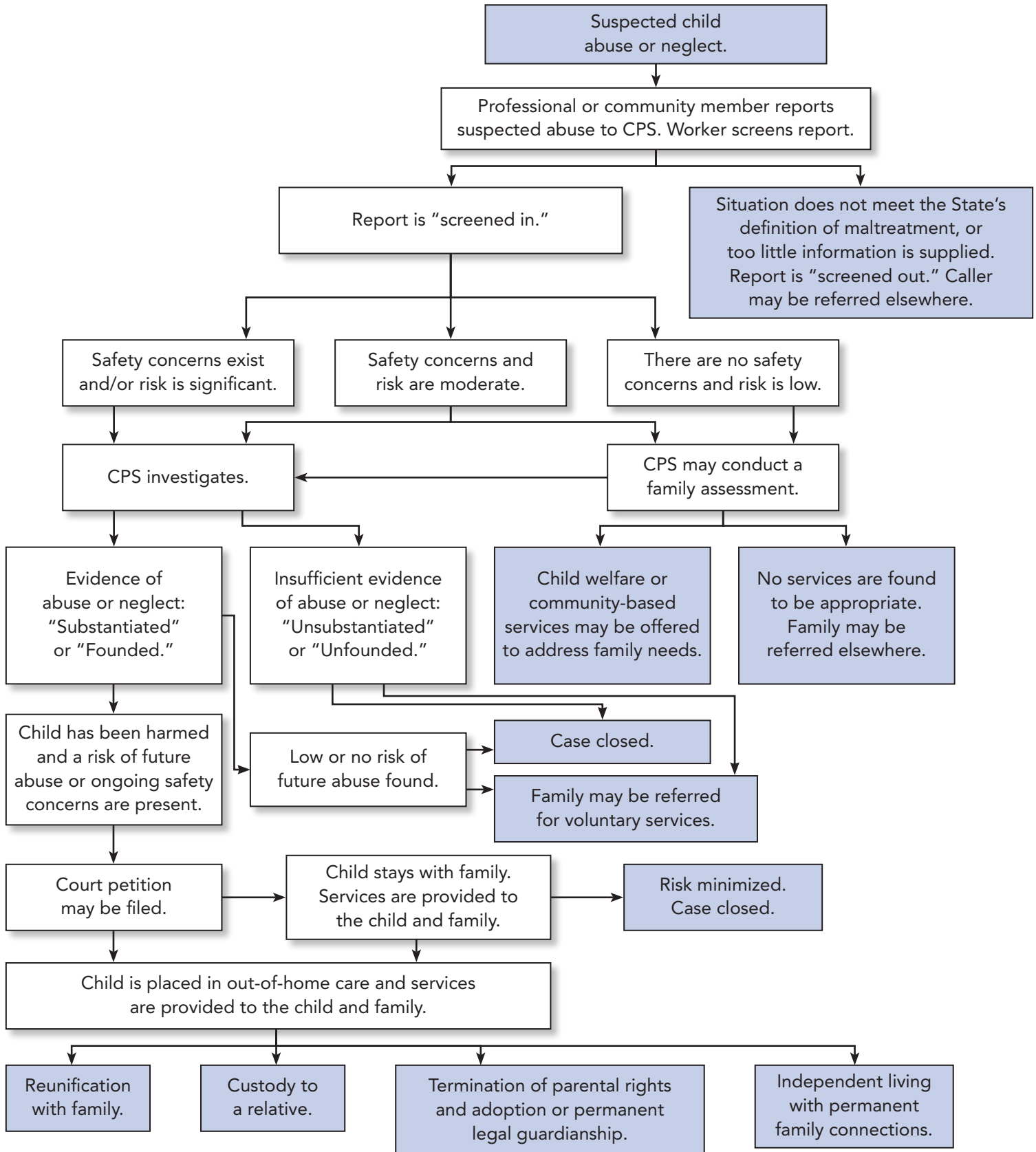
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Appendix A: The Child Welfare System



Publication Survey

Public reporting burden for this collection of information is estimated to be 5 minutes per response to complete this questionnaire. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The control number for this project is 0970-0303. The control number expires on 09/30/2011.

Publication Title: How the Child Welfare System Works

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D — Disagree
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I would recommend this publication to others.	SD	D	N	A	SA	NA

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3. What would have made this publication more helpful to you?

4. How did you learn about this publication?

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 Child Welfare Information Gateway staff
 Conference
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5. Which of the following best describes your professional background or role in the child welfare field? (*Check one.*)

- CPS/Foster care professional
 Child abuse prevention/Family support professional
 Adoption professional
 Other professional: _____
 Student (e.g., K-12 or University)
 None of the above — I contacted Information Gateway for personal and NOT professional reasons.

6. Do you have suggestions or recommendations to make future publications more useful (e.g., different format, more interactive, specific topics)?
