

Gather Information About the Family

More comprehensive information than simply the incident of maltreatment must be learned about the family. This body of knowledge must include the extent of maltreatment, the surrounding circumstances, child functioning, adult functioning, parenting and discipline. The following are 7

background questions that should guide safety in each case. The answers will help the court assess threats of danger, child vulnerability, and protective capacities. The information will later help judges decide what to do about an unsafe child.

1. What is the nature and extent of the maltreatment?
 - Type of maltreatment
 - Severity of the maltreatment, results, injuries
 - Maltreatment history, similar incidents
 - Describing events, what happened, hitting, pushing
 - Describing emotional and physical symptoms
 - Identifying child and maltreating parent
2. What circumstances accompany the maltreatment?
 - How long maltreatment lasted
 - Parental intent concerning the maltreatment
 - Whether parent was impaired by substance use, or was otherwise out-of-control when maltreatment occurred
 - How parent explains maltreatment and family conditions
 - Does parent acknowledge maltreatment, what is parent's attitude?
 - Other problems connected with the maltreatment such as mental health problems
3. How does the child function day-to-day?
 - Capacity for attachment (close emotional relationships with parents and siblings)
 - General mood and temperament
 - Intellectual functioning
 - Communication and social skills
 - Expressions of emotions/feelings
 - Behavior
 - Peer relations
 - School performance
 - Independence
 - Motor skills
 - Physical and mental health
4. How does the parent discipline the child?
 - Disciplinary methods
 - Concept and purpose of discipline
 - Context in which discipline occurs, is the parent impaired by drugs or alcohol when administering discipline
 - Cultural practices
5. What are overall parenting practices?
 - Reasons for being a parent
 - Satisfaction in being a parent
 - Knowledge and skill in parenting and child development
 - Parent expectations and empathy for child
 - Decision-making in parenting practices
 - Parenting style
 - History of parenting behavior
 - Protectiveness
 - Cultural context for parenting approach
6. How does the parent manage his/her own life?
 - Communication and social skills
 - Coping and stress management
 - Self-control
 - Problem-solving
 - Judgment and decision-making
 - Independence
 - Home and financial management
 - Employment
 - Community involvement
 - Rationality
 - Self-care and self-preservation
 - Substance use, abuse, addiction
 - Mental health
 - Physical health and capacity
 - Functioning within cultural norms

7. How does the family unit operate and function?

- General functioning
- Strengths
- Current stresses
- Family structure
- Clarity of roles and boundaries
- Who is in charge
- How family decisions are made
- Communication
- Presence and use of affection
- Relationship to the community
- Demographics: family make-up, housing, income (able to meet family needs?)
- Good place to capture relationship/information re: non-custodial parent

**There are no safety threats associated with this question, but the information is used to understand the overall picture and context of the family.*

DEFINITIONS

Safe child:

Vulnerable children are safe when there are no threats of danger within the family *or* when the parents possess sufficient protective capacity to manage any threats

Unsafe child:

Children are unsafe when:

- Threats of danger exist within the family *and*
- Children are vulnerable to such threats, *and*
- Parents have insufficient protective capacities to manage of control threats

BENCHCARD B1

Present Danger Threats

An immediate, significant and clearly observable family condition that is actively occurring or “in process” of occurring at the point of contact with a family and will likely result in severe harm to a child.

Present Danger Threats – Maltreatment

The child is currently being maltreated at the time of the report or contact

The child is being maltreated at the time the report is being made, maltreatment has occurred the same day as the contact, or maltreatment is in process at the time of contact.

Severe to extreme maltreatment of the child is suspected, observed, or confirmed

This includes severe or extreme forms of maltreatment and can include severe injuries, serious unmet health needs, cruel treatment, and psychological torture.

The child has multiple or different kinds of injuries

This generally refers to different kinds of injuries, such as bruising and burns, but it is acceptable to consider one type of injury on different parts of the body.

The child has injuries to the face or head

This includes physical injury to the face or head of the child alleged to be the result of maltreatment.

The child has unexplained injuries

This refers to a serious injury which parents/caregivers and others cannot or will not explain. It includes circumstances where the injury is known to be non-accidental and maltreater is unknown.

The maltreatment demonstrates bizarre cruelty

This includes such things as locking up children, torture, extreme emotional abuse, etc.

The maltreatment of several victims is suspected, observed, or confirmed

This refers to the identification of more than one child currently being maltreated by the same caregiver.

The maltreatment appears premeditated

The maltreatment appears to be the result of a deliberate, preconceived plan or intent.

Dangerous (life threatening) living arrangements are present

This is based on specific information indicating that a child's living situation is an immediate threat to his/her safety. This includes serious health and safety circumstances such as unsafe buildings, serious fire hazards, accessible weapons, unsafe heating or wiring, etc.

Present Danger Threats – Child

Parent's viewpoint of child is bizarre

This refers to an extreme viewpoint that could be dangerous for the child, not just a negative attitude toward the child. The parent's perception or viewpoint toward the child is so skewed and distorted that it poses an immediate danger to that child.

Child is unsupervised and unable to care for self

This applies if the child is without care. This includes circumstances where an older child is left to supervise younger children and is incapable of doing so.

Child needs medical attention

This applies to a child of any age. To be a present danger threat of harm, the medical care required must be significant enough that its absence could seriously affect the child's health and well-being. Lack of routine medical care is not a present danger threat.

The child is profoundly fearful of the home situation or people within the home

“Home situation” includes specific family members and/or other conditions in the living arrangement. “People within the home” refers to those who either live in the home or frequent the home so often that a child routinely and reasonably expects that the person may be there or show up.

The child's fear must be obvious, extreme, and related to some perceived danger that the child feels or experiences. This threat can also be present for a child who does not verbally express fear but their behavior and emotion clearly and vividly demonstrate fear.

BENCHCARD B1

Present Danger Threats

Present Danger Threats – Parent

Parent is intoxicated (alcohol or other drugs) now or is consistently under the influence

This refers to a parent who is intoxicated or under the influence of drugs much of the time and this impacts their ability to care for the child.

Parent is out of control (mental illness or other significant lack of control)

This can include unusual or dangerous behavior, mental or emotional distress where a parent cannot manage their behaviors in order to meet their parenting responsibilities related to providing basic, necessary care and supervision.

Parent is demonstrating bizarre behaviors

This will require interpretation of the reported information and may include unpredictable, incoherent, outrageous, or totally inappropriate behavior.

Parent is unable or unwilling to perform basic care

This only refers to those parental duties and responsibilities consistent with basic care or supervision, not to whether the parent is generally effective or appropriate.

Parent is acting dangerous now or is described as dangerous

This includes a parent described as physically or verbally imposing and threatening, brandishing weapons, known to be dangerous and aggressive, currently behaving in an aggressive manner, etc.

Parent's whereabouts are unknown

This includes situations when a parent cannot be located at the time of the report or contact and this affects the safety of the child.

One or both parents overtly reject intervention

The key word here is "overtly." This means that the parent essentially avoids all CPS attempts at communication and completion of the initial assessment/investigation. This refers to situations where a parent refuses to see or speak with CPS staff and/or to let CPS staff see the child; is openly hostile (not just angry about CPS presence) or physically aggressive towards CPS staff; or refuses access to the home, hides the child or refuses access to the child.

Present Danger Threats – Family

The family may flee

This will require judgment of case information. Transient families, families with no clear home, or homes that are not established, etc., should be considered. This refers to families who are likely to be impossible or difficult to locate and does not include families that are considering a formal, planned move.

The family hides the child

This includes families who physically restrain a child within the home as well as families who avoid allowing others to have contact with their child by passing the child around to other relatives, or other means to limit CPS access to the child.

Child is subject to present/active domestic violence

This refers to presently occurring domestic violence and child maltreatment or a general recurring state of domestic violence that includes child maltreatment where a child is being subjected to the actions and behaviors of a perpetrator of domestic violence. There is greater concern when the abuse of a parent and the abuse of a child occur during the same time.

BENCHCARD B2

Impending Danger Threats

A foreseeable state of danger in which a family behavior, attitude, motive, emotion or situation that can be anticipated to have severe effects on a child at any time in the near future and requires safety intervention.

- Specific and Observable
 - Imminent
 - Out-of-control
 - Severe consequences
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- No adult in the home will perform parental duties and responsibilities.
 - One or both parents/caregivers are violent.
 - One or both parents'/caregivers' behavior is dangerously impulsive or they will not/cannot control their behavior.
 - One or both parents/caregivers have extremely negative perceptions of the child.
 - Family does not have or use resources necessary to assure the child's basic needs.
 - One or both parents/caregivers fear they will maltreat the child and/or request placement.
 - One or both parents/caregivers lack parenting knowledge, skills or motivation necessary to assure the child's basic needs are met.
 - One or both parents/caregivers intend(ed) to seriously hurt the child.
 - The child has exceptional needs, which the parents/caregivers cannot or will not meet.
 - Living arrangements seriously endanger the child's health.
 - The child is profoundly fearful of the home situation or people within the home.

Vulnerability

A child is vulnerable when they lack the capacity to self-protect. This nonexhaustive list are issues that determine or increase a child's vulnerability:

- A child lacks capacity to self-protect
- A child is susceptible to harm based on size, mobility, social/emotional state
- Young children (generally 0-6 years of age)
- A child has physical or mental developmental disabilities
- A child is isolated from the community
- A child lacks the ability to anticipate and judge presence of danger
- A child consciously or unknowingly provokes or stimulates threats and reactions
- A child is in poor physical health, has limited physical capacity, is frail
- Emotional vulnerability of the child
- Impact of prior maltreatment
- Feelings toward the parent – attachment, fear, insecurity or security
- Ability to articulate problems and danger

Questions the judge can ask.

- Has the child demonstrated self-protection by responding to these threats? (Self-protection means recognizing danger and acting to secure safety for one's self; it is not calling 911, CPS, or the school *after* an event.)
- Besides defending herself from threats, can the child care for her own basic needs?
- How does the judge find this child *not vulnerable* given the threats?
- Is vulnerability of all children, not just the victim, considered?
- Are there issues preventing this child from self-protecting?
- What plan would this child carry out to protect himself from threats?
- Can the child describe how she will know a threatening situation is developing, rather than recognizing it once it is happening?
- What has been learned about this child's functioning? How comprehensive is the information? How much time did the worker or other parties talk to the child about self-protecting? Is there information about this family and the way threats operate arguing against the child self-protecting?
- Are there ways the child behaves and responds, that escalate the threats to the child?

Protective Capacities

Cognitive Protective Capacities

Cognitive protective capacity refers to *knowledge, understanding, and perceptions* contributing to protective vigilance. Although this aspect of protective capacities has some relationship to intellectual or cognitive functioning, parents with low intellectual functioning can still protect their children. This has to do with the parent recognizing she is responsible for her child, and recognizing clues or alerts that danger is pending.

Cognitive protective capacities can be demonstrated when the parent:

- articulates a plan to protect the child
- is aligned with the child
- has adequate knowledge to fulfill care-giving responsibilities and tasks
- is reality oriented; perceives reality accurately
- has accurate perceptions of the child
- understands his/her protective role
- is self-aware as a caregiver

Behavioral Protective Capacities

Behavioral protective capacity refers to *actions, activities, and performance* that result in protective vigilance. Behavioral aspects show it is not enough to know what must be done, or recognize what might be dangerous to a child; the parent must *act*.

Behavioral protective capacities can be demonstrated when the parent:

- is physically able
- has a history of protecting others
- acts to correct problems or challenges
- demonstrates impulse control
- demonstrates adequate skill to fulfill care-giving responsibilities
- possesses adequate energy
- sets aside her/his needs in favor of a child
- is adaptive and assertive
- uses resources necessary to meet the child's basic needs

Emotional Protective Capacities

Emotional protective capacity refers to *feelings, attitudes and identification* with the child and motivation resulting in protective vigilance. Two issues influence the strength of emotional protective capacity: the attachment between parent and child, and the parent's own emotional strength.

Emotional protective capacities can be demonstrated when the parent:

- is able to meet own emotional needs

- is emotionally able to intervene to protect the child
- realizes the child cannot produce gratification and self-esteem for the parent
- is tolerant as a parent
- displays concern for the child and the child's experience and is intent on emotionally protecting the child
- has a strong bond with the child, knows a parent's first priority is well-being of the child
- expresses love, empathy and sensitivity toward the child; experiences specific empathy with the child's perspective and feelings

Questions the judge can ask.

- Has the parent demonstrated the ability to protect the child in the past under similar circumstances and family conditions? (*Behavioral Protective Capacity*)
- Has the parent arranged for the child to not be left alone with the adult/parent maltreater or source of danger? (This could include having another adult present aware of the protective concerns and able to protect the child). (*Cognitive and Behavioral Protective Capacity*)
- Is the parent intellectually, emotionally and physically able to protect the child given the threats? (*Cognitive, Behavioral and Emotional Protective Capacity*)
- Is the parent free from needs which might affect the ability to protect such as severe depression, lack of impulse control, or medical needs? (*Behavioral and Emotional Protective Capacity*)
- Does the parent have resources to meet the child's basic needs in light of the other changes the court is expecting from the family? (*Behavioral Protective Capacity*)
- Is the parent cooperating with the caseworker's efforts to provide services and assess family needs? (*Cognitive and Behavioral Protective Capacity*)
- Does the parent display concern for the child's experience? Is the parent intent on emotionally protecting the child? (*Emotional Protective Capacity*)
- Can the caregiver specifically articulate a feasible, realistic plan to protect the child, such as the maltreating adult leaving when a situation escalates, calling the police in the event the

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restraining order is violated, etc.?) (*Cognitive Protective Capacity*)

- Does the caregiver believe the child's report of maltreatment and is he/she supportive of the child? (*Emotional Protective Capacity*)
- Is the caregiver capable of understanding the specific threat to the child and the need to protect? (*Cognitive Protective Capacity*)
- Has the caregiver asked the maltreating adult to leave the household (if applicable)? (*Behavioral Protective Capacity*)
- Does the caregiver have adequate knowledge and skill to fulfill parenting responsibilities and tasks? (This may involve considering the caregiver's ability to meet any exceptional needs that the child might have). (*Cognitive and Behavioral Protective Capacity*)
- Is the caregiver emotionally able to carry out a plan and/or to intervene to protect the child (caregiver is not incapacitated by fear of maltreating adult)? (*Behavioral and Emotional Protective Capacity*)
- Do the caregiver and child have a strong bond and does the caregiver demonstrate clearly that the number one priority is the safety and well-being of the child? (*Behavioral and Emotional Protective Capacity*)
- Even if the caregiver is having a difficult time believing the other adult would maltreat the child, does he or she describe the child as believable and trustworthy? (*Emotional Protective Capacity*)
- Does the caregiver believe that the problems of the family (including current CPS and court involvement) are not the child's fault or responsibility? (*Cognitive and Emotional Protective Capacity*)