A RESOLUTION TO CHILD DETAINMENT

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A RESOLUTION TO CHILD DETAINMENT

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by

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Acknowledgment

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Abstract

This paper includes a brief review and description of various resources and literature describing the history and current status of the child welfare and child protection services in Kenosha County and various states. This outlines the past and current issues in the child protection system, implementations and changes throughout the years, and the most current resolution efforts.
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CHAPTER 1
INTRODUCTION

One of the biggest concerns in the child welfare system today is the rapid approach to detain children rather than find a way to help keep the children in the home. Throughout the years there have been many changes to repair child welfare problems, however there are specific concerns that have not been addressed. The In Home Safety Service (IHSS) program has made a change in that area.

The In Home Safety Service is a program that intervenes with families when there is a present or impending threat and children are assessed to be to be unsafe and are at risk of being removed from the home (WDCFS, 2014). Thus far, this program has only been implemented in Kenosha County in the state of Wisconsin. Its purpose is to deter removing children from the home by providing support and intensive services (WDCFS, 2014).

The IHSS works together with Child Protective Services (CPS) and shares the responsibility of safety in the home but CPS assumes primary responsibility for safety management of protective and safety plans at all times. The IHSS is unique in the way that they have looked at most of the concerns in the system. Together as a team, they have come up with solutions to fix the problems by working with the judge, guardian ad litem, and district attorney, working toward the same goals (WDCFS, 2014). Working together is the best solution to resolving the concerns because it helps keep the families together. Working with all the agencies as a whole helps keep everybody involved in a positive way.

Once the team arrives into the home the lead team member explains the dynamics of the program and explains the safety plan and analysis that has been put in place for the home. The
safety plan and analysis consists of making sure the child is safe in the home, utilizing an approved family member or friend to help secure the stability of the home. The team will make the designated individual part of the safety plan and designates certain responsibilities and follow-up on all implemented plans. The IHSS team conducts home visits seven days a week, several times a day, with some visits consisting of safety checks and others consisting of educational sessions (WDCFS, 2014).

**Statement of the Problem**

The data presented in column format below are from the Kenosha Area Family & Aging Services, Inc. Service Provider Summary Report. These figures reflect cases serviced in the In-Home Safety Services program in Kenosha County between: 1/1/2014 and 12/31/2014. They are presented to give a background regarding the importance of the child detainment issue in Kenosha County:

**Service level:**

Active beginning of period-7

Referred-17

Opened-17

Closed-15

Active end of period-9

Numbered served-24

**Case closure reasons-cases closed between: 1/1/2014 and 12/31/2014**

Completed program- 10

Court dismissal- 1
Placed in substitute care - 4
Total closed cases: 15

**Referral activity** - cases referred between: 1/1/2014 and 12/31/2014
DCFS-child welfare – 17
Total referrals: 17

**Household composition** - cases serviced between: 1/1/2014 and 12/31/2014
Single father – 2
Single mother – 15
Two parent family – 7
Total household: 24

**Household residence** - cases serviced between: 1/1/2014 and 12/31/2014
Kenosha – 23
Salem – 1
Total household: 24

**Household income** - cases serviced between: 1/1/2014 and 12/31/2014
Extremely low income – 15
Very low income – 4
Low income – 4
Above low income – 1
Total households: 24

**Gender (all participants)** - cases serviced between: 1/1/2014 and 12/31/2014
Female - 45
Male – 56
Total participants: 101

Age range (all participants) – cases serviced between: 1/1/2014 and 12/31/2014

0-5 years (preschool) – 35
6-10 years (elementary school) – 17
11-13 years (middle school) – 8
14-18 years (high school) – 5
19-21 years (young adults) – 2
22-59 years (adults) – 34
Total participants: 101

Race (all participants) – cases serviced between: 1/1/2014 and 12/31/2014

African American – 25
Bi-racial – 5
Caucasian – 39
Hispanic – 32
Total participants: 101

Purpose of the Study

The purpose of the study is to provide a review of the literature related to issues and concerns in the child welfare system, to identify best practices in the area of keeping the children in the home. The In Home Safety Service Program was designed to assist families keep their children in the home, who are in jeopardy of being detained due maltreatment. Removing the children in many cases is not the best solution, and if there is a way to keep the family together
in the home and help the parents resolve the issues, whatever the problem is presented in the case, it should be done. Parents who want their children to remain in the home will cooperate with any agency that is there to help them, and do what it takes to keep their children in the home.

**Significance of the Study**

The study of issues in the child welfare system is important to the practice of CPS. The collaboration and gathering of information from past and present can be crucial in rectifying current issues and concerns. This work will make an impact on the use of the In Home Safety Service program by introducing the current problems, thus allowing the case workers and program to rectify the problems by addressing and correcting all areas of concerns. This study should be of importance to others seeking information related to the program.

**Statement of the Problem**

The problems to be addressed are; 1) how to close the gaps between the judges, the district attorney’s office and case workers when working with families engaged in services; 2) how to keep the children in the home and the families together without detaining the children; and 3) How to assist successful clients to transition from services when the case is closed so they do not return back into the system of child protective services?
Definition of Terms

IHSS/In Home Safety Services: An intensive program designed to keep children who are on the verge of being removed from the home, this program is the last chance for the parent/parents to work to keep the family united, and the IHSS team collaborates with DCFS, Program Services Group, the judges and district attorney office (WIHSSI 2014).

Almshouses/poorhouses: a privately financed home for the poor (Merriam-Webster, 2015).

Indentured servant: Young children who worked for an employer/family for wages until they were old enough to take care of themselves. In 1562 children from impoverished homes became indentured servants with other families (Blanco, 2003-2015).

Child abuse: Words or overt actions that cause harm, potential harm, or threat of harm to a child. Acts of commission are deliberate and intentional; however, harm to a child may or may not be the intended consequence. Intentionality only applies to the caregivers' acts-not the consequences of those acts. For example, a caregiver may intend to hit a child as punishment (i.e., hitting the child is not accidental or unintentional) but not intend to cause the child to have a concussion (WDCFS 2014).

The following types of maltreatment involve acts of commission:

• Physical abuse
• Sexual abuse
• Psychological abuse

Neglect: The failure to provide for a child's basic physical, emotional, or educational needs or to protect a child from harm or potential harm. Like acts of commission, harm to a child may or may not be the intended consequence. (WDCFS 2014).
The following types of maltreatment involve acts of omission:

- Failure to provide
- Physical neglect
- Emotional neglect
- Medical/dental neglect
- Educational neglect
- Failure to supervise
- Inadequate supervision
- Exposure to violent environments

**Maltreatment**: Any act or series of acts of commission or omission by a parent or other caregiver (e.g., clergy, coach, teacher) that results in harm, potential for harm, or threat of harm to a child (WDCFS 2014).

**Adolescent**: a young person who is developing into an adult: a young person who is going through adolescence, emotionally or intellectually immature (WDCFS 2014).
CHAPTER TWO

REVIEW OF LITERATURE

The History of Child Welfare

Children have not been treated fairly in the course of history. Children are the quintessential victims and are helpless, delicate, and demanding (Mc Donald, Allen, Westerfelt & Piliavin, 2004). Foster care is a better alternative to institutionalizing children but unfortunately it is older children who tend to suffer more when being put into the foster care system. During this era of foster care children were treated very harsh, put to work and deemed indentured or otherwise called young adults, without having the same rights as adults (Mc Donald, Allen, Westerfelt & Piliavin, 2004).

The system has been blamed for keeping children in temporary foster care rather than having them back in the home with the biological parents or adoptive parents and the longer the children are away the more estranged they become from their parents. The greater the length of time the child is separated from the parent/parents the more likely the child may grow resentful. This practice would also put a strain on the relationship between child/children and other siblings (Mc Donald, et al., 2004).

Although a foster-care-like system has been incorporated as far back as 1562, its dynamics did not start out as we know it today, however the goals and motives were the same. An English law created in 1562 permitted children of impoverished families to be placed with
families of wealth. Unfortunately under these laws the children were titled as indentured servants (being taken in for the sole purpose of work and free labor for the home). Once titled indentured servants they were left vulnerable to further abuse and exploitation, for example, verbal and physical abuse, and loaned to other property to owners for financial gain to the owners. Upon reaching adulthood, these children were permitted to leave their masters and live their lives on their own terms. Although this form of foster care was considered to be an upgrade from its predecessor, the orphanage, it was filled with problems and concerns, thus calling for great change (Crannell, 2014).

Previous to this English law, orphaned and impoverished children were placed in what was known as almshouses. These Almshouses were extremely simple, usually constructed with a hipped-roof, five bays wide, and predominantly two stories. The goals and functions of the Almshouse were to house the impoverished, the ill, and the poor. Amongst this population the homes also housed orphans and widowed people. Along with providing shelter and food for the residents of the homes, the Almshouse were also functioning workhouses that were designed to provide the members of the home with the proper skills and knowledge to equip them with the proper tools to gain employment. A section of the Almshouse was also equipped to serve as an infirmary to treat the diseased poor (Crannell, 2014).

**Policy and Procedures**

The policies and procedures of the child welfare system vary from state to state. The State of Wisconsin has a strong local government and control as well as strong child welfare
services (CPS, 2012). Child agencies have many requirements that they have to follow and each agency establishes their own policies to address their own specific needs. A Child Protective Services (CPS) case in the State of Wisconsin begins with a report of a child/children in need of protective services. Once there is a report, a CPS worker will assess the situation to see if the child is in an immediate danger. If so, they decide if the children will be placed in a foster care or shelter care placement (CPS, 2012).

When a call or report come in through the Access hotline, which is linked directly through CPS (Child Protective Services), there are several procedures that take place. The type of procedure depends on what hour of the day and day of the week the calls or reports may come in. If the claims are made after hours or on weekends, Juvenile Crisis is in place as a back-up to secure the home and investigate. Juvenile Crisis provides 24-hour response to children and families who need assistance with family conflict, school, substance abuse, and other issues requiring emergency intervention. The primary goal of the program is to assist families in stabilization and locating resources. Juvenile Crisis Intervention provides services to runaway and homeless youth that include 24-hour access, mediation and temporary shelter, as well as CPS response after hours (KHDS, 2015).

Crisis must put a protective plan in place before leaving the home; this plan could consist of removing the child/children or removing the maltreater (abuser), depending on the incident. If the initial call comes in during the day, the call comes through the access hotline which is located in the CPS office and has two CPS workers monitoring the phones Monday through Friday 8 a.m. to 5p.m. Once completing the report, Crisis will immediately refer the report to CPS where
a worker will be assigned the case. The assigned CPS worker will also investigate the claim and either substantiate or unsubstantiate the claim within 12 -24 hours depending on its severity.

More serious claims are processed within 12 hours. If the claims are unsubstantiated (having no basis in reason or fact), the CPS worker may choose to close the case or put another agency in place to work with the family. The family would have to agree to work with Family Services voluntarily. In the event the claims are substantiated (established by proof or compelling evidence), the CPS worker will then file a CHIPS petition (Child In Need of Protective Services) with the courts and notify authorities as well.

A Wisconsin CHIPS petition can also be filed by the district attorney, corporation counsel, or by the counsel for a parent, guardian, relative or child. The purpose of the CHIPS petition is to go in front of the judge to allow the judge to determine if the allegations in the petition are proved by clear and convincing evidence. If the child is found to be CHIPS by hearing, by admission, or by a plea of no contest, the case moves to the dispositional stage. This stage of the case includes development of a permanency plan and dispositional order, which determine and authorize exactly what services are required. (CPS, 2012).

There are many factors that may come into play in the child welfare system besides the above description. Factors can alter or have an effect on the way pending cases may navigate through the system. For example, in the case where a parent or maltreater (abuser) decides to fight the charges or allegations, a not guilty plea may alter services placed in the home (in cases that are voluntary with no order in place). However regardless of what unforeseen change or turn
of events may arise, CHIPS orders will remain in place to secure the safety and well-being of the child/children. (CPS, 2012).

In the Wisconsin child welfare system there are five main players who all determine the outcome of the cases that come through. These players consist of the CPS worker (social worker) the judge, the DA, the case manager (social worker) and the guardian ad litem (the child’s/children’s attorney who represents the child/children to ensure their rights are protected). The issue with this system is that all players have their own agenda and guidelines to follow. Conflicting goals and agendas make it extremely difficult to work on the reunification and preservation of the family and home.

**Michigan CPS**

Although all states take their child welfare services extremely seriously, they do not all have the exact same protocol and procedures do vary from state to state. In the state of Michigan, like Wisconsin, they conduct an investigation within 12-24 hrs. and have 30 days to complete an investigation (MDHHS, 2015). However unlike Wisconsin they have different levels of investigation from Category V down to Category 1:

• Category V-Cases in which CPS is unable to locate the family, no evidence of child abuse or neglect is found or the court declines to issue an order requiring family cooperation during the investigation.
• Category IV - Cases in which a preponderance of evidence of child abuse or neglect is not found. The department must assist the child's family in voluntarily participating in community-based services commensurate with risk level determined by the risk assessment (structured decision making tool).

• Category III - Cases in which the department determines that there is a preponderance of evidence of child abuse or neglect and the risk assessment indicates a low or moderate risk. A referral to community-based services must be made by CPS.

• Category II - Cases in which the department determines that there is a preponderance of evidence of child abuse or neglect and the risk assessment indicates a high or intensive risk. Services must be provided by CPS, in conjunction with community-based services.

• Category I - Cases in which the department determines that there is a preponderance of evidence of child abuse or neglect and a court petition is needed and/or required. Services must be provided by CPS (or foster care), in conjunction with community-based services (MDHHS, 2015).

In the event that a case is deemed a category II or I, the maltreater’s name is placed on a Child abuse and neglect registry. The State of Wisconsin does not have such a registry, however similar to Michigan, when a case is placed in these categories, the outcome includes: court petitions, possible child detention and possibly termination of parental rights, depending on each case and its severity.
Indiana CPS

Like Wisconsin, Indiana conducts an investigation within a 12-24 hour period and when investigating cases of abuse or neglect, the CPS worker will either substantiate (find cause) or unsubstantiate (find no basis to the claims). Based on the severity like most states, if the allegations are severe and substantiated, the CPS worker will move to file a petition and determine the necessary actions based on the case. Like all states, when the Indiana CPS worker investigates any claim, the child/children’s safety and welfare is always first and foremost. Also similar to Wisconsin Indiana has implemented a Family preservation program to assist families based on the severity of the abuse or neglect and the safety concerns in the home (IDOCs, 2015).

The protocols for the states do vary in some areas, but fortunately most states follow a common and specific set of guidelines, or framework, for establishing what constitutes the abuse/neglect case. This commonality amongst different states helps to eliminate any discrepancies when it comes to repeat offenders of child abuse crossing state borders. The benefit to this is holding repeat offenders accountable for their actions, and not allowing offenders to evade punishment.

The fact that states conduct their protocols very differently can be problematic. An example of this on a smaller scale would be differences in who screens in hotline calls regarding abuse. Some states use social workers to evaluate calls. This can help in eliminating false claims. However other states, such as Nevada, utilize volunteers to man the crisis phone lines (Crisis Service Center, 2015).
Like the Wisconsin Child Protective service system, the problem most states have in common is a crucial one. This issue consists of the fact that the major players do not work together. The DA does not always agree with or work with CPS, and the judge is not bound by any predetermined pleas and often sides with the DA who is looking for the conviction. If the case includes a lawyer other than the district attorney and guardian ad litem, the CPS worker’s progress comes to a standstill. This lack of collaboration could have a negative impact on the family by discouraging the maltreater from further cooperation. As well the child/children may be needlessly traumatized by removing them from their home and forcing them into the foster care system. Separation from loved ones can be very hard on the children. (SWFPH, 2008).

When it comes to the child welfare system in any state, the main goal is to protect the children. Certain procedures and plans may differ from state to state but the concept is to properly identify what constitutes abuse and neglect. Unfortunately with that there also come cases that enter the system based on false allegations. These false allegations are the down side to an already complicated system. Workers involved have to exhaust time and resources to investigate.

Many studies have been done to ascertain best ways to improve the system. Experts have been implementing different standards and practices to help its process and functioning. Unfortunately experts disagree regarding where these changes needed to be made. Some experts pushed for the overhaul of the foster care system; others praised the Family Preservation program as the answer. Implemented in Kenosha in 1971, the Family Preservation services offer many different types of programs. Such programs range from parenting skills, AODA treatment,
parenting skills, social skills, self-help, self-esteem, life skills and family re-unification. Services are provided in the home for eight to twelve weeks, based on the progress and compliance of the family participants. In certain cases the twelve week deadline can be extended if certain situations arise or there is a cause for concern. The case manager works with the family on all angles, including visiting the children’s school for contact, conversing with doctors or therapists working with the family, and implementing any necessary programs or referrals for the family (KAFASI 2011).

**Issues and Concerns**

There are many issues and concerns within the child protection system. One of the issues is how the agencies and the courts work as separate entities, which can cause a lot of confusion and a rapid approach to detain children. There are many cases where the children need to be removed from the home but in other cases there is no need if there is family acceptance of a need for help and the agencies and child protective services work together to keep the child with the parents.

Another issue is that separating siblings that can be detrimental for the children and there should be a way to keep the children together if all possible. Teenagers may be at the biggest disadvantage. Foster parents do not want to take responsibility for teenagers because they do not want to deal with the issues that come with being a teenager. The primary goal of the foster care system is to insure the safety and well-being of vulnerable children (Chipungu Stukes & Bent-Goodly, 2003). Children who are removed from the home and placed in foster care experience short or long term effects and research has shown that 30 to 80 percent experience...
emotional and behavior problems that continue from entering foster care or develop during their foster care experience (Chipungu Stukes & Bent-Goodly, 2003). In many areas teens are placed in group homes as an alternate to placing them with a family. That itself is a major concern because all that does is house them in non-family environment. The children who are younger have a better chance surviving foster care because in most cases it is temporary and they will be reunited with their parents. Teenagers do not always have the same outcome. They were either in the system their whole life which causes behavior issues or they were placed in foster care as teens which can foster abandonment issues which will result in behavior problems in the future.

**Courts vs Social Worker**

The court’s purpose is to make judgment according to the law; the social worker is there to help and guide people. When it comes to children, in most cases there is a social worker who is involved with a case to advocate for the children and the parents. In the In Home Safety Service Agency the agency and judges work together to come to a solution for a case and that is what makes the In Home Safety Service uniquely different from other agencies. The judge always has the final say on what will happen in a case but when the judge works together with the agency the outcome is apt to be better because there is not an end result until everyone is in an agreement to a solution. The issues are that the judges and the DA have their own agendas, and these can differ from the social workers’. Wisconsin is unique in implementing a program that fosters collaboration among all players, who are working toward the same goal.
CHAPTER THREE: SUMMARY AND CONCLUSIONS

SUMMARY

Since the beginning of time there has been abuse and neglect towards children. The development and implementation of programs, agencies and systems to assist these children have evolved over time. There has been vast improvement since the days of indentured service. Changes have been made to rectify concerns, and progress has been made. No longer is removal into foster care considered as the only option. Because society recognized that removal away from the family and extended family into foster placement can have negative consequences on the child and family, other options are considered. A more thorough assessment is conducted, and a variety of options are considered. The current thinking is that it is important to recognize the disruption caused by foster placement; this option is viewed less favorably now than it used to be, though it is a viable option in some cases. A vast array of services are available.

It is also unlikely that a violator would be able to re-offend by sneaking across state lines. States are cooperating so that offenders are tracked. This helps CPS in both states keep children safer.

The CPS agencies in Wisconsin have changed practices, policies and procedures throughout the years. And, like Wisconsin, Michigan and Indiana follow a strict protocol when conducting their investigations and do so in a 12-24 hour time frame. In the event a case is presented to the DA and judge, each worker will play their respective roles. The DA will move
to charge the maltreater and the judge will hear all evidence before determining a sentence, providing there is sufficient evidence. The social workers will present their findings from interviewing and investigating the family, and the guardian ad litem will be appointed to represent the child/children to ensure that their rights are not violated. In previous years these described workers did not collaborate together to determine what was best for the child. With the implementation of the IHSS program these worker now collaborate with each other on all cases to come to an understanding and work toward the mutual goal of keeping the children in the home under the observation of the IHSS team.

**Conclusion**

In conclusion, throughout the years there have been flaws in the area of child protection services, with social workers and other team players working to correct the foreseeable flaws. The IHSS program was designed to help close the gap on the daily issues that plague the CPS services offered to the families and children in need. The implementation of the IHSS program looks to close the gap and make the system that much tighter when protecting those in need and reducing the rapid approach to child detention.
REFERENCES


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