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Testimony of
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Subcommittee on Healthy Families and Communities
Preventing Child Abuse and Improving Responses to Families in Crisis

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Chairwoman McCarthy, Ranking Member Platts and Members of the Subcommittee,

My name is Caren Kaplan and I am the Director of Child Protection Reform at American Humane. I am honored to provide comments on the Reauthorization of the Child Abuse Prevention and Treatment Act (CAPTA) and thank Chairwoman McCarthy, Ranking Member Platts and the members of this Subcommittee for the invitation to do so.

American Humane, a national, nonpartisan membership organization, was founded 132 years ago to protect the welfare of children and animals. Our testimony today reflects over a century of history progressively advocating at the federal, state and local levels for laws that protect children and animals from abuse and neglect.

In 1974, Congress passed what was, and still remains, the preeminent federal legislation addressing child abuse and neglect. This landmark legislation sets forth a minimum definition of child abuse and neglect and authorizes federal funding to states in support of prevention, identification, assessment, investigation, and treatment activities.

Through its provisions – the Basic State Grants, the Community Based Prevention Grants and the Research and Demonstration Grants, CAPTA provides state, local, and tribal public child welfare agencies with a foundation for quality child protective services, enhancements of the formal and informal preventive, community based services, the opportunity for systemic and practice improvements, and expansion of our understanding and knowledge that will guide our state statutes, policies, practices and customs. This is the essence of CAPTA and the promise of our nation's ability to keep children safe and families together.

IMPROVING THE CHILD PROTECTION SYSTEM

The first goal of any child protection system response is to keep children safe from harm. In fiscal year 2007, an estimated 3.2 million referrals, involving the alleged maltreatment of approximately 5.8 million children, were made to Child Protective Services (CPS) agencies [US HHS, 2009]. An estimated 1.86 million children received an investigation or assessment. In 2007, an estimated 792,000 children were determined to be victims of abuse or neglect. *Of the 792,000 victims, 38% of the victims (300,960 children) received no post investigation services.*

American Humane has dedicated the past several years to the successful launch of large-scale initiatives that advance our nation's child welfare system in order to effectively protect children and support families. I would like to detail several of these issues and opportunities to be responsive through the reauthorization of CAPTA.

DIFFERENTIAL RESPONSE SYSTEMS

American Humane advocates for the implementation of Differential Response Systems in Child Welfare as an effective way to respond to reports of abuse and neglect. Differential response also referred to as "dual track," "multiple track," or "alternative response" and "family assessment", encourages families to recognize their own needs and seek services to enhance parenting skills, mental health concerns, substance abuse issues, work/day care issues and/or other distinct needs of each family. Differential response encourages family participation in agency and community based services. By alleviating the concerns raised without a formal determination or substantiation of child abuse and neglect, these 'alternatives' to traditional child protection investigative response achieve or maintain child safety through family engagement and collaborative partnerships.

Historically, there has been one response by the child protection agency to accepted reports of alleged maltreatment – an investigation. Given that the majority of families that come to the attention of the child protection agency are deemed to present low or moderate risk of maltreatment, and are not experiencing immediate child safety issues, there has been a developing trend for the past 15 years to respond to these families *differentially* in a manner that supports families.

Differential Response is based on several foundational tenets. Families are not all the same – and in particular the severity of the family situation is not identical across families who come to the attention of the child protection agency and therefore, it is important to be responsive to the differences among the families that come to the attention of the child protection agency. Another foundational tenet of Differential Response is based on the notion that over the many years in which we have collected data – the 2009 report of the Children's Bureau on Child Maltreatment that examines 2007 data and is the 18th issuance of this official report – many families (38% of victims in 2007) received **no** post-investigation services. After being identified and labeled as 'child abusers', these families refuse services and the case is closed. A significant proportion of these families will return to the CPS agency as there was no intervention to remediate their difficulties. Some will eventually require juvenile or family court involvement and they will be ordered to comply with court decisions. Thus, our historical approach with these families has produced incentives to 'meet an obligation' and resist anything that resembles comparable interference and enforcement instead of breeding the cooperation and motivation of families to change – which is the aim of Differential Response systems.

Differential Response Systems is an approach that allows CPS to respond differently to <u>accepted</u> reports of child abuse and neglect. It emphasizes the value of the assessment of the child and his/her family without requiring a determination that maltreatment has occurred or that the child is at risk of maltreatment [U.S. Department of Health and Human Services, 2003]. It allows for access to available resources and services rather than solely investigating the occurrence of

maltreatment. Services may be provided to families without a formal determination of abuse or neglect or labeling someone as a perpetrator and listing them in the state's central child abuse registry. [CWLA, 2005]. It is accompanied by greater efforts to identify, build, and coordinate formal and informal services and supports that respond to the families self-identified needs.

Differential Response is typically used with reports that do not allege serious and imminent harm. Factors such as the type and severity of the alleged maltreatment, the number of previous reports, the source of the report, and the willingness of the parents to participate in services determine the appropriateness of this response and suggest a non-adversarial, cooperative approach to meet each family's unique needs. By providing interventions that correspond to the severity of the concern being reported, Differential Response results in appropriate services to resolve the family issues thereby easing the cause or likely reoccurrence of the original concern.

Differential Response has been implemented, either statewide or in selected jurisdictions in almost twenty states and this number is rapidly expanding. As Differential Response systems evolve, child welfare systems are incorporating a third pathway to respond to the families whose reports do not meet the statutory threshold of alleged abuse and neglect.

Although research is in its infancy, random assignment design studies involving control and experimental groups have indicated the following positive results:

- Child safety is not compromised and in some instances attained sooner
- Fewer repeat cases of abuse and neglect
- Higher rates of family cooperation and participation
- Increase and changes in service provision; greater focus on basic needs and economic hardship
- Lower placement rates of children in foster care
- Reduced costs over time
- Increased satisfaction, both by families involved with the child welfare system and child welfare workers
- Community stakeholders preferred the dual-response approach

Opportunities for the Reauthorization of CAPTA

- Support the efforts of states, local and tribal child welfare agencies to provide Differential Responses to individual families who come to the attention of the child protection agency. The preponderance of families is not individuals who have committed egregious harm to their children. Many, through no fault of their own, lack the personal history, know-how and resources to protect their children from harm or the risk of harm. Differential Response systems allow for and promote the use of interventions that do not alienate or demonize parents but rather engage the parent in addressing their needs so they can successfully and safely parent their children.

- To the extent possible, *encourage modifications in State Automated Child Welfare Information System in Differential Response jurisdictions that allow for capturing the expanded child protection responses*. Recognize that with the implementation of Differential Response, the current child welfare data systems require modifications in order to collect and produce quality data to better understand and assess these reforms.

Without essential modifications, workers may be entering case data in an automated system and documenting by hand the data of other cases. This dual approach is ripe for errors and should be eliminated.

- Support flexibility to 'front load' the system. The current federal child welfare funding streams, such as Title IV-E, provide incentives to use of out of home placement. It is important to recognize that the primary way to prevent removal of children from their families of origin is to invest resources – whether they be staff time and intervention, concrete and therapeutic services, and/or formal and informal supports – at the beginning of the families' involvement with the child protection system.

- While we understand the appropriated levels of funding do not come out of this committee, it is significant to note when discussing levels of funding with your colleagues, that 300,960 children identified as victims of maltreatment received no post-investigative services. Therefore, we request your *support for the increase in allocations.* Greater balance is needed in the investments in child maltreatment prevention, identification and early protective interventions compared to investments in interventions after a child has been separated from his/her family.

- Title I of CAPTA authorizes grants to states to help improve their child protective service systems. Within the eligibility requirements, there is opportunity to encourage states to develop and implement Differential Response to families who come to the attention of the child protection system.

- Title II of CAPTA authorizes grants to states to develop community based prevention services including home visitation, parent education, and respite care. Since the intent is to develop a continuum of preventive services for children and families through State and community-based collaborations and partnerships, statutory language can promote the development of *community response pathways – a third response* to families –established by State and local public child welfare agencies.

- In CAPTA's Research and Demonstration Activities, there is an opportunity to build the knowledge and evidence on the multitude of Differential Response approaches that are currently being planned and/or implemented across the nation.

FAMILY INVOLVEMENT AND LEADERSHIP

American Humane strongly advocates for the widespread integration of family involvement and leadership models committed to institutionalizing fair and transparent planning and decision making processes that recognize and build on the protective capacities of the family group and provides them with opportunities to reclaim their roles and responsibilities as decision makers about their children.

In the past 10 years, public child welfare and community-based organizations have been implementing numerous family involvement and leadership models as a way to provide inclusive and culturally-respectful processes when critical safety and permanency decisions are being

made about children. Family group involvement and leadership models are based on a commitment to ensuring that children's rights to the resources of their families and communities are honored, respected, and actively cultivated, especially when children and their families are involved with formal systems, in particular child welfare. They recognize the inherent right of children and families to be connected. These models are grounded in the belief that children are best protected within the context of their families and that the family group has the right to be active partners in making decisions about their children's safety, permanency and well-being. These models also provide a family perspective for understanding and responding to the unique developmental needs of children and their family. Family Group Decision Making offers communities an evidence-based approach to reach the goals of positioning families as drivers of services, creating individualized, family-driven service plans, promoting cultural and linguistic competence and building partnerships among systems.

Opportunities for CAPTA Reauthorization

- The State Grant eligibility requirements provide an opportunity to advance the involvement and leadership of families as a principle practice of quality child protection.

CHRONIC NEGLECT

American Humane advocates for the building of knowledge, policy, prevention and intervention practices that address the unique safety and protection needs of children who are chronically neglected by their families. Through the identification and monitoring of specialized child protection practices nationwide, the development of best practice guidance, and the creation of strategic alliances with traditional and non-traditional partners, comprehensive, community-based approaches can prevent neglect and the recurrence of neglect, reduce the risks of chronicity, support and strengthen families in which neglect occurs, and facilitate system change that is more responsive to, and effective with, families that chronically neglect their children.

"*Chronic child neglect" refers to the ongoing, serious pattern of deprivation of a child's basic physical, developmental and/or emotional needs by a parent or caregiver*. While definitions of chronic child neglect and the implementation of these definitions, vary by state, county and local child welfare systems, several dimensions include the duration of neglect, the time period covered by multiple Child Protective Services reports, the number of reports (not just substantiations), the referral for multiple types of maltreatment, the documentation of non-adherence in medical or school records, and the child's developmental indicators.

While the lack of definitional clarity and the use of various dimensions to identify chronic neglect compromise a shared understanding, the system's inability to reach these families and impact the well-being of their children is a fundamental gap. Prerequisites for success include: Differential assessment; skilled staff; manageable workloads; service array; and long term intervention.

For more than a decade, state reports to the National Child Abuse and Neglect Data System have indicated that more than half of all child victims in the United States suffered neglect.

Given the enduring prevalence of neglect in child maltreatment cases, there has been a long-standing need to focus on prevention, assessment, treatment and interventions targeting neglect in child welfare. According to the National Incidence Study-3 (1996), children from families with incomes less than $15,000/year were *44 times* more likely to be victims of neglect compared to children from families with incomes greater than $30,000/year.

Although a growing body of literature illustrates some evidence-based best practices for decreasing neglect, such limited endeavors fall short of the comprehensive and integrated approach that is essential to command the visibility, political will and system reform to improve the safety, permanency and well-being of families in which neglect occurs. With few notable exceptions, advancements in the specialized practice and research of neglect are in their infancy. The magnitude of this need increases exponentially when addressing the chronicity of neglect.

The enormous human toll is compounded by the significant economic toll, as resources are disproportionately devoted to families that chronically neglect their children. Costs associated with these families have been determined to be seven times that of other families that neglect their children [Loman & Siegel, 2004]. There is an undeniable need for more sustained and broad-ranging approaches to families that go beyond immediate safety issues, as well as more relevant literature and research to provide a base of knowledge that informs our practices and policies.

Opportunities for the Reauthorization of CAPTA

- An increasing number of states are struggling to confront the insidious nature of chronic neglect. The federal government can provide leadership and guidance to states in the CAPTA reauthorization by providing a clear definition of *chronicity* or *chronic neglect*.
- While there has been a significant amount of work on neglect at the federal level, there are insufficient connections between federal efforts and what happens on the ground at the state and local levels. There is an opportunity in CAPTA's Research and Demonstration Activities to enhance the connections between research and practice; target the efforts on *chronicity;* and assure broader dissemination of that which is known and that which is a promising practice.

THE LINK® BETWEEN CHILD AND ANIMAL MALTREATMENT

American Humane actively addresses the internationally recognized link between animal abuse and family violence. Through its campaigns against violence, American Humane is a leader in raising public awareness, advocating for stronger legislative initiatives, and providing tools for decision makers, social service providers, animal care and control professionals, veterinarians, parents, and other concerned citizens to recognize problems and take appropriate steps to end abuse and protect its both human and non-human victims.

Child and animal protection professionals have recognized this link and cycle of violence between the abuse of both children and animals. This Link also expands to violence against women by domestic partners and violence to elders in the home. One of the first research studies to address the link found that 88% of 57 families being treated for incidents of child maltreatment also abused animals in the home. (Deviney, Dickhert, and Lockwood, 1983). And

a 1997 survey of 50 of the largest shelters for battered women in the United States found that 85% of women and 63% of children entering shelters discussed incidents of pet abuse in the family. [Ascione, F. R. 1997]

When animals in a home are abused or neglected, it is a warning sign that others in the household may not be safe. In addition, children who witness animal abuse are three times more likely of becoming aggressive or abusive. (Currie, C.L., 2006,).

Opportunities for the Reauthorization of CAPTA

- In detailing the comprehensive approach required to address child abuse and neglect, Title I should acknowledge the vital partnership between animal welfare agencies and child protection agencies. Much like the recognition of the relationships between and among domestic violence, mental illness, substance abuse and child maltreatment, CAPTA should include language that supports and enhances interagency collaboration between the child protection system and animal welfare agencies in identifying child abuse and neglect.

- In order to diminish both the initial occurrence of maltreatment and subsequent recurrence, it is essential to engage families and provide effective, responsive services before their challenges become severe and the risks of maltreatment expand and/or escalate.

CONCLUSION

The first goal of any child protection system response is to keep children safe from harm. American Humane hopes this CAPTA reauthorization serves as a foundation and impetus for the reduction of children who experience abuse and/or neglect and an increase in the number of families who have sufficient strengths, capacity, and supports to keep their children safe from harm.

As a longstanding member of the National Child Abuse Coalition (NCAC), an alliance of over 30 organizations committed to strengthening the federal response to the protection of children and the prevention child abuse and neglect, American Humane lends its enthusiastic support to NCAC's recommendations for the reauthorization of CAPTA. NCAC's testimony has been provided to the Subcommittee in writing.

American Humane appreciates the opportunity to offer our testimony and comments to the Subcommittee in regard to the reauthorization of the Child Abuse Prevention and Treatment Act. Given that CAPTA is the preeminent federal legislation addressing child abuse and neglect and expires this year, it is our hope that its reauthorization is given the highest priority and completed before the 111th Congress ends. As this legislation progresses, we look forward to a continued dialogue with Chairman McCarthy, Ranking Member Platts, Members of the Subcommittee and the entire Congress.

Respectfully submitted,

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