

Safety in Out-of-Home Care

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There are multiple tragedies when a child dies or is seriously injured due to acts or failure to act by an out-of-home caretaker, or from others living in the placement, or from physical conditions in the placement. First, a child has died or been seriously injured, a tragedy in its own right. Second, the child is known to the child welfare system, the system tasked with protecting the child from just such events. Third, the child was removed from a family for reasons of safety and placed with another family, one that was presumed to be safe.

Though the concept of protecting children has been a part of child protective services (CPS) since inception, the use of the specific concept of safety, as distinct from any form of repeat maltreatment, has only seen wide use in the past two decades. The spread of safety assessment paralleled the growth of family preservation and permanency planning. In the late 70's and early 80's, many began to believe that children entered care that actually were or could have remained safe in their own families. Safety assessment evolved in the 80's as a "front end" tool to assist with triage during the early stages of a child protective services investigation.

Though systematic protocols for safety assessments were developed as a basis of deciding that a child should enter out-of-home care, few agencies have evolved similar protocols to assist in monitoring safety within a foster or kinship home once a child is in placement. Some agencies may assume that the licensing or certification process ensures that those selected as out-of-home caregivers present no threat to any children entering the home. Unfortunately this is not the case. Nor is it the case that most initial safety assessments used in CPS investigations are directly applicable to ensuring the safety of children in out-of-home care.

One reason is that CPS investigative safety protocols were designed for use *after* an allegation of child maltreatment. By definition, afterwards means it is too late to prevent harm to a child. A second reason is that threat of harm by a caregiver is only one of the potential sources of harm to a child in placement. The child may also be harmed by others in the placement or suffer harm due to physical conditions in the home. A third reason is that the safety threshold is different. Most statutes set the criteria for removing a child from the custody of a parent at "imminent danger of serious harm." However, the placement caregiver does not have the same rights to a child placed with them. The threat of much lower degrees of harm might cause a child to be deemed unsafe in out-of-home care.

Many states set two levels of threat for removing a child from a placement. An immediate removal may occur if there is reason to believe the child is in immediate danger of serious harm. Less than this threshold may require a two-week notice to the caregivers, allowing them time to appeal the change

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of placement. While this procedurally provides a mechanism for acting to protect a child at risk of harm in a placement, it does not specifically provide criteria for making this decision.

How should safety in out of home care be considered? First it is important to distinguish between ongoing monitoring of conditions in the home and a safety assessment following an allegation of maltreatment, or an incident resulting in harm to a child. These two contexts can be distinguished by the difference between “signs of safety” and “signs of present danger.”

Signs of safety are indicators that protective factors within the placement are adequate to meet the child’s needs. Prior to placement, this may mean ensuring that a number of prerequisites are met, such as: the license is valid; there are no current holds on the placement; there are no pending allegations or investigations; there are no pending criminal charges against a member of the household; and the placement of this child would not be contrary to the protection plan for another child already in the home.

Other factors to consider prior to placement include the caregivers’ knowledge of the child’s needs and vulnerabilities; the caregivers’ specific capacity to meet these needs; and other demands placed on the caregiver by other children already in the home. In addition there may be physical household conditions that are relevant, depending on the needs and condition of the child. To the extent possible, all child characteristics that elevate a child’s vulnerability should be identified and examined in relationship to the caregiver’s protective capacities.

Following placement there should be periodic monitoring of signs of safety. These include indicators such as: the caregivers’ continuing ability and willingness to protect the child; the caregivers’ own health as it affects meeting a child’s needs; persons frequenting the placement that present a risk of harm to the child; the adequacy of caregivers’ supervision, and other similar factors. Because a child’s well-being is also a concern, certain well-being indicators should

also be monitored regularly. Examples include: the child’s provocative or externalizing behavior; the child’s physical health needs; the child’s social and school behavior; and the child’s mental health needs. For the caregivers, examples include: stress level regarding meeting the child’s needs; approach to discipline; caregiver and child conflict; disrupted placements; placement levels exceeding caregiver capacity; and adequacy of support relative to the caregivers’ expressed needs. Where needs are noted, placement stabilization supports may be indicated.

When an allegation of maltreatment is received regarding an out-of-home caregiver, the focus shifts from “signs of safety” to “signs of present danger.” Signs of present danger more closely resemble similar indicators used in CPS investigations, but there are differences. While CPS may use “serious harm” as a threshold, lower levels of harm may indicate a need for an immediate placement change or for a protective plan to be put in place while the investigation proceeds. The review of a child’s safety should happen immediately following an allegation and consider the interaction of threats of harm, protective capacities and any elevated child vulnerability characteristics.

The Federal Child and Family Service Reviews presently use maltreatment in out-of-home care as a safety indicator in assessing compliance with outcomes specified in the Adoption and Safe Families Act. However, a child’s safety in placement is not only a matter of maltreatment, but also a matter of dangerous exposure to others and the physical environment. Whereas most states have implemented structured protocols for assessment of safety following a report of maltreatment by a parent or guardian, comparatively few have moved to provide caseworkers concrete criteria for the ongoing monitoring of safety of a child in placement. A number of recent child fatalities and incidents of serious harm to children in out-of-home care suggests that this aspect of child safety deserves much closer attention.