

“Should I Reunify This Family?”

A Framework for Child Welfare Decision Makers

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The significance of the decision to reunify a child previously removed for abuse or neglect is one of the most critical decisions made by judges and child welfare professionals. When decisions lead to poor outcomes, public confidence in the judicial and child welfare systems is eroded, recriminations are expected and, most importantly, children’s safety and timely permanency is compromised, sometimes tragically.

Child welfare professionals are expected to provide a judge with relevant, concise and objective information pertaining to a family’s “progress” and to offer a recommendation concerning reunification readiness. The case manager’s assessment and recommendations are vital to ensure that the judge has the most reliable and valid information available to make wise decisions. Judges make all their decisions by applying their state law and court rules of procedure to the facts put before them through testimony, written reports and exhibits admitted into evidence. If the evidence presented during a judicial review or permanency hearing concerning reunification is inaccurate, incomplete or based upon assumptions which are untrue, the judge’s decisions will most likely fail to protect the child and justice will not be served.

Judicial reviews are used as a forum to address reunification readiness. Legally, the juvenile court should make findings in every judicial review about:

- Whether the child and family case plan appropriately includes and addresses the service needs of the child and his or her family;
- The extent of compliance with the case plan by all parties;
- The progress that has, or has not, been made in correcting the problems and conditions that led to the child’s placement in care; and,
- Whether the state (or its contracted service agency) has made reasonable efforts to provide services that meet the needs of the child and child’s family.

Federal and state laws stress that reunification of a child with the child’s family of origin is the preferred permanency option whenever it can be safely achieved. Fifty-five percent of children in foster care have a permanency goal of “reunify with parent(s) or principal caretaker(s) or reunify with other relatives.”¹ The Adoption and Safe Families Act (ASFA) requires that cases be moved to permanency quickly, in most circumstances within 12 to 15 months of the child coming into care. How do we know when it is safe to send a child home? What criteria should decision makers – particularly the caseworker and presiding judge – take into consideration before allowing reunification to take place?

In the last decade, there has been an accumulating research base related to maltreatment recurrence. A core set of recurrence risk factors has begun to emerge, particularly including a prior history of child protective services reports, the type of maltreatment, the age of the child, the number of children in the home, family income, parental substance abuse, and child vulnerability/disability.² Most of the studies have examined maltreatment recurrence at the time of the investigation and case opening. Fewer studies have researched the factors that are most closely associated with child safety post-reunification. A recent



study by Tamara Fuller of the Children and Family Research Center examined the short-term (within 60 days) maltreatment recurrence for children returning home from their first stay in out-of-home care.³ This study found seven unique variables were predictive of recurrence of maltreatment:

- 1) Age of the child – younger children are more likely to experience maltreatment recurrence.
- 2) Caretaker mental illness.
- 3) Number of placements – children with high placement instability are at higher risk of repeat maltreatment.
- 4) Type of placement – children whose initial placement was in a kinship foster home were more likely to experience recurrence than those whose initial placement was a group home or institution.
- 5) Length of time in placement – children who were in care longer than three years were more likely to experience recurrence following reunification than those in care less than three years.
- 6) Number of children in the home at the time of reunification – children whose return to homes in which four or more children were present were at higher risk of maltreatment than children who returned to homes with three or fewer children.
- 7) The interaction between household structure at reunification and the number of children/siblings returned home – children returned to a single-parent household at the same time as one or more siblings were more likely to experience a recurrence than those returned to a two-parent home.

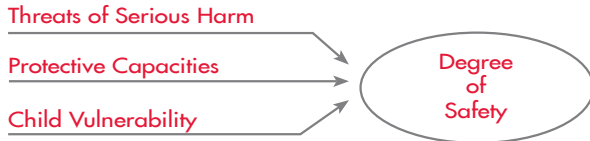
¹ *The AFCARS Report, Preliminary FY 2005 Estimates as of September 2006 (13)*; SOURCE: Adoption and Foster Care Analysis and Reporting System (AFCARS) data submitted for the FY 2005, 10/1/04 through 9/30/05.

² T.L. Fuller, Child safety at reunification: A case control study of maltreatment recurrence following return home from substitute care, *Children and Youth Services Review*, 27 (2005) pp. 1293-1306.

³ T.L. Fuller, Child safety at reunification: A case control study of maltreatment recurrence following return home from substitute care, *Children and Youth Services Review*, 27 (2005) pp. 1293-1306.

Does this mean that child welfare professionals and juvenile court judges should only consider these variables in making reunification decisions? No. Thomas Morton and Barry Salovitz have proposed a more dynamic model to support safety decision-making that has particular relevance for reunification. This model encourages decision makers to structure their safety assessments and decisions by examining the presence and interaction of three crucial variables, including threats of serious harm, a family's capacity to protect their children from harm and each child's unique vulnerability.⁴

The following diagram depicts the essential elements of this model:



Threats of serious harm are those acts or conditions that have capacity to cause serious injury or emotional harm to a child. More specifically, a threat may take the form of a condition, behavior, thought, feeling or perception that jeopardizes a child's safety. Two examples of a potential safety threat "condition" include substance abuse and mental illness. Safety threats that are related to emotions can include extreme apathy or excessive impulsivity.

Protective capacities are family strengths or resources that may reduce, control and/or prevent threats of serious harm from arising or having an unsafe impact on a child. Two examples of potential protective capacities include willingness to delay one's own needs for a child and positive attachments. Protective capacities can also take the form of parents' relationships with others, including the provision of tangible child care, emotional support and an increase in a child's visibility.

Lastly, *child vulnerability* represents the degree to which a child can or cannot prevent, avoid, negate or modify the impact of safety threats or missing or insufficient protective capacities. Examples may include child-specific variables such as age, medical condition or fragility, capacity for self-protection, and physical limitations. Child vulnerability may also be affected by conditions which may serve as an interactive stimulus for dangerous caregiver responses, such as inconsolable crying, feeding problems and difficulties in toilet training.

The crucial issue in reunification decision-making is usually not immediate danger of serious harm, but rather prospective safety – will the child be safe in the foreseeable future? Reunification safety assessment must focus on the extent to which:

- 1) The underlying conditions and contributing factors compromising safety threats have been resolved or diminished;
- 2) Protective capacities have been increased;
- 3) Child vulnerability has been reduced; and,
- 4) A feasible plan for reunification support can be developed and implemented.⁵

Bottom line: "Have safety threats been altered or reduced to a level where control within the family is probable?" If you are a child welfare professional, ask yourself these questions:

- What credible evidence do I have of existing threats of serious harm, protective capacities and child vulnerability?

- Have I personally observed the situations, or relied upon valid and reliable information from proxies which form the basis of my opinion and documented my findings in my chronological case notes and the child's case file?
- Have I informed the court, in writing, of my reunification safety assessment in my judicial review report and backed up my assessment and recommendation with specific facts?
- Am I prepared to give oral testimony concerning my reunification safety assessment and withstand rigorous cross examination about the basis for my opinion?

If you are a juvenile court judge, ask yourself these questions:

- To what extent do I require written reports and oral testimony on prospective safety?
- Do I question child welfare caseworkers, foster parents, CASAs/ Guardians ad Litem and other individuals with knowledge of child prospective safety issues prior to ordering reunification?
- Do my reunification orders contain an analysis of the key prospective safety decision support factors?
- Have I considered a structured reunification support plan which gradually allows for decreased supervision to allow child welfare professionals and other stakeholders an opportunity to better observe and report on the parent's protective capacities when under the stress of daily parenting?
- How much time do I devote to conducting each judicial review in order to fully flesh out these safety factors?

Safety involves judgment. Good judgment depends upon an analysis of credible, timely and unbiased information that utilizes a decision support model with clear criteria and a solid conceptual base. In our profession, children's lives depend on it.

⁴ T. D. Morton, B. Salovitz, *Essential Safety Constructs in Child Maltreatment Cases* (2003), Child Welfare Institute.

⁵ T.D. Morton, B. Salovitz, Evolving a theoretical model of child safety in maltreating families. *Child Abuse & Neglect*, 30 (2006) 1317-1327.

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