



Investigating Allegations of Child Neglect

September 2018

Background

Our office has recently completed three evaluations of the child protection system:

Child Welfare System

Representation for Children and Youth in Child Protection Cases

Child Welfare System: Reducing the Risk of Adverse Outcomes

Each of the three evaluations examined broad aspects of the child protection system. Individually, each evaluation found distinct areas for improvement. Taken together the three evaluations characterized a system that has struggled to achieve consistency in expectations, processes, and practice.

In March 2018 the Joint Legislative Oversight Committee approved a request for a fourth evaluation. The requester identified two areas of study:

Definition, standards, and application of the term *child neglect* in investigations

Policies and transparency for records of child maltreatment referrals and investigations that the Department of Health and Welfare keeps on each family

Child Neglect

Any policy that specifies which reports of maltreatment should be investigated must balance competing demands such as child safety, parental rights, and state resources. Investigating all reports of maltreatment is most likely to ensure the safety of

the most children. But, child maltreatment investigations are disruptive to families.

Investigations can have a lasting impact on parents and children, even when social workers find no evidence of maltreatment.

Each year Child and Family Services receives about 20,000 reports of child maltreatment. All reports throughout the state are processed by a centralized intake unit in Boise. Social workers in the central intake unit assess each report. They determine whether the allegations meet the statutory definitions of abuse, abandonment, or neglect.

Federal law establishes the minimum conditions that constitute child abuse and neglect. The federal Child Abuse Prevention and Treatment Act states that child abuse and neglect means, at a minimum, any recent act or failure to act on the part of a parent or caretaker, which results in death, serious physical or emotional harm, sexual abuse or exploitation, or an act or failure to act which presents an imminent risk of serious harm.

State statute defines child abuse and neglect individually in detail.

Abuse means “any case in which a child has been the victim of

(a) Conduct or omission resulting in [physical injury]..., failure to thrive, or death, and such condition or death is not justifiably explained, or [does not match history given] ..., or may not be the product of an accidental occurrence; or

(b) Sexual conduct... or ... exploitation harming or threatening the child’s health or welfare or mental injury to the child.

Neglect means a child:

- (a) Who is without proper parental care and control, or subsistence, medical or other care or control necessary for his well-being because of the conduct or omission of his parents, guardian or other custodian or their neglect or refusal to provide them... or
- (b) Whose parents, guardian or other custodian are unable to discharge their responsibilities to and for the child and, as a result of such inability, the child lacks the parental care necessary for his health, safety or well-being; or
- (c) Who has been placed for care or adoption in violation of law; or
- (d) Who is without proper education because of the failure to comply with section 33-202, Idaho Code.

In Idaho about 60 percent of reports of child abuse and neglect are not investigated beyond central intake. The remaining 40 percent are assigned to social workers in regional offices for field investigation. Most investigations (about 70 percent) are the result of child neglect.

The requester of the evaluation observed that negligence, as defined in Idaho statute, is a broad term as compared with abused or abandoned. The requester expressed concern that the overly broad definition of neglect contributes to inconsistent or unnecessary investigations and interventions.

The requester asked that the evaluation include the department's processes for investigating allegations of neglect. The requester asked that the evaluation also address the standards used to initiate

investigations of neglect allegations and to place children in foster care.

Records of child maltreatment referrals and investigations

The department keeps a record of all reports of child maltreatment in its database known as iCARE. The record is not an indication of wrongdoing. It is only stored for reference if the family is the subject of a future allegations of child maltreatment. In all investigations of child maltreatment, social workers use records stored in iCARE to assess the cumulative threat to children.

When social workers investigate a report and discover evidence of child maltreatment, parents' names are recorded in the department's child protection central registry. The central registry is different from iCARE. The primary purpose of the registry is to aid the department in protecting children and vulnerable adults from individuals who have previously abused, neglected, or abandoned children. The registry was created in response to the Adam Walsh Child Protection and Safety Act of 2006.

The requester asked that the evaluation identify the extent to which Health and Welfare:

- Keeps an internal list of reports of neglect

- Records and historically catalogs those reports and for what length of time

- Informs parents about processes to challenge or expunge records of referrals, investigations, or findings of neglect

Scope

This evaluation is intended to clarify or expand several aspects of child neglect and record keeping that were not the focus of our three previous child protection evaluations.

Neglect

1. What are the Department of Health and Welfare's processes for handling referrals for child neglect? Are they based upon statute, rules, policies, or other standards?
 - What variations, if any, exist across Idaho in the application or implementation of statute, rules, policies and procedures about when to investigate a report of neglect?
 - What factors contribute to any variability or consistency across Idaho?
2. To what extent is neglect a necessary standard for child maltreatment?
3. How have states defined neglect in the context of child maltreatment?

Record keeping

4. What information is logged when the department receives a complaint for neglect.
 - How does the department use the information to determine future decisions on investigations and removal?
5. What rights do parents have to know what history, reports, or allegations of neglect are maintained in department files?
6. What processes are in place for parents or families to know what records are being maintained by the department for allegations that did not result in the removal of a child? What process are in place to challenge and expunge reports, investigations, and history of neglect?
7. Do policies on these issues differ significantly from other states?

Projected completion: 2019 legislative session