

# Child Safety Decision-Making

Marc Seidl

Brown County Health and Human Services Department

Bridget Bauman

Children's Court Improvement Program

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# Goal

Educate court, child welfare, and legal professionals on child safety, create a common language across disciplines, and implement consistent child safety practices across the state.

# Objectives

Participants will be able to:

- \* Recognize child safety is an issue to be assessed and addressed throughout the entirety of the case.
- \* Define the terms and components of the safety equation.
- \* Engage in more meaningful discussions at hearings and with caseworkers.
- \* Identify changes that need to be made by parents for the child to remain in or return to the home.

# Child Welfare Systemic Issues

- \* CHIPS cases do not fit typical adversarial nature of other court systems.
- \* Serious decisions are made with potential for unintended consequences.
- \* Social workers, attorneys, and court speak different languages.

# Child Welfare Systemic Issues

INSUFFICIENT INFORMATION

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POOR DECISIONS

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POOR OUTCOMES

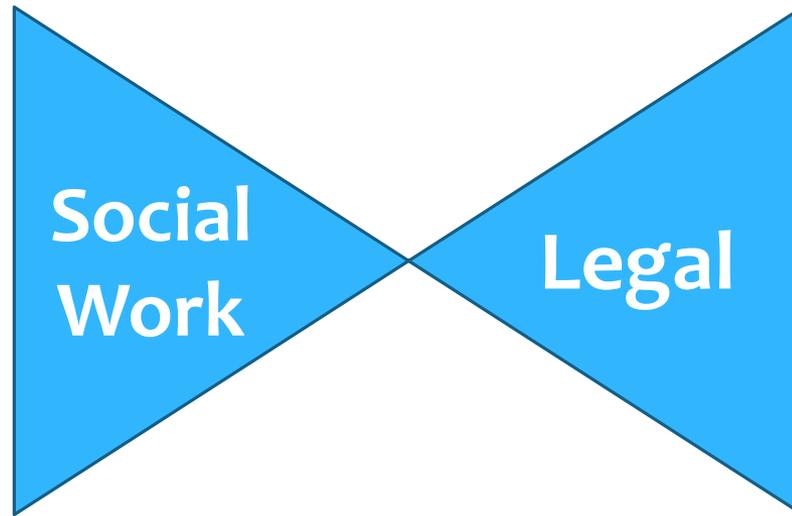
# Child Welfare

## Two Different Systems

### Social Work

#### Guiding Principles:

- Initial Assessment Standards
- Ongoing Standards
- Safety Intervention Standards



### Legal

#### Guiding Principles:

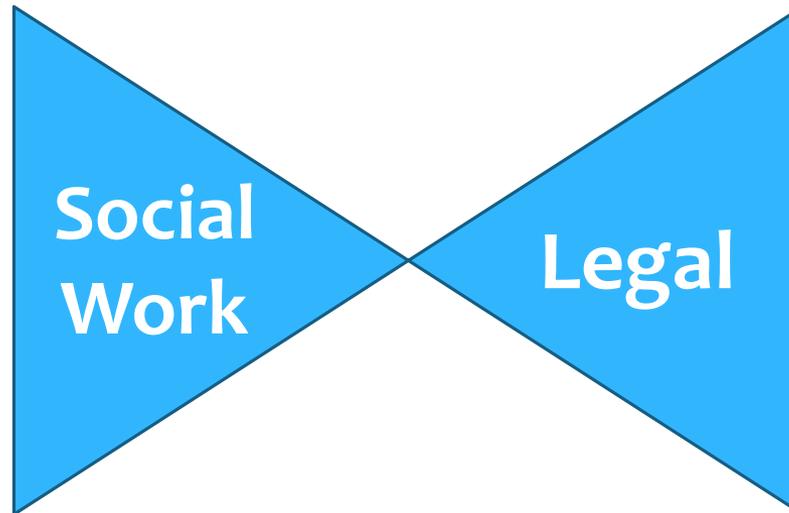
- Chapter 48
- Case Law
- Federal law
- Due process

Two separate systems that must work together.

# The Focus of Two Systems

## Social Work Focus

- \* Safety
- \* Behavior Change
- \* Permanence
- \* Well-Being



## Legal Focus

- \* Jurisdiction
- \* Contrary to the welfare/reasonable efforts
- \* Best Interests

# Best Interests

In the Interest of Caryn A.-G., 228 Wis.2d 658 (Court of Appeals 1999)

- \* The court shall determine a placement dispute between a parent and a third party so as to promote the best interests of the child.
- \* Safety is not the primary emphasis that the court should consider when assessing best interests. Safety and best interests are not synonymous.

In the Interest of Nadia S., 219 Wis.2d 296 (WI Supreme Court 1998)

- \* Recognized parents retain a constitutional right to raise children and those rights don't evaporate because they have not been model parents, but the conditions at disposition reflect court's assessment of the changes needed at the time of disposition.
- \* Compliance with Dispositional Order Conditions of Return is not dispositive of the child's best interests.

# Child Welfare Guides

## Social Work

### CHILD PROTECTIVE SERVICES SAFETY INTERVENTION STANDARDS

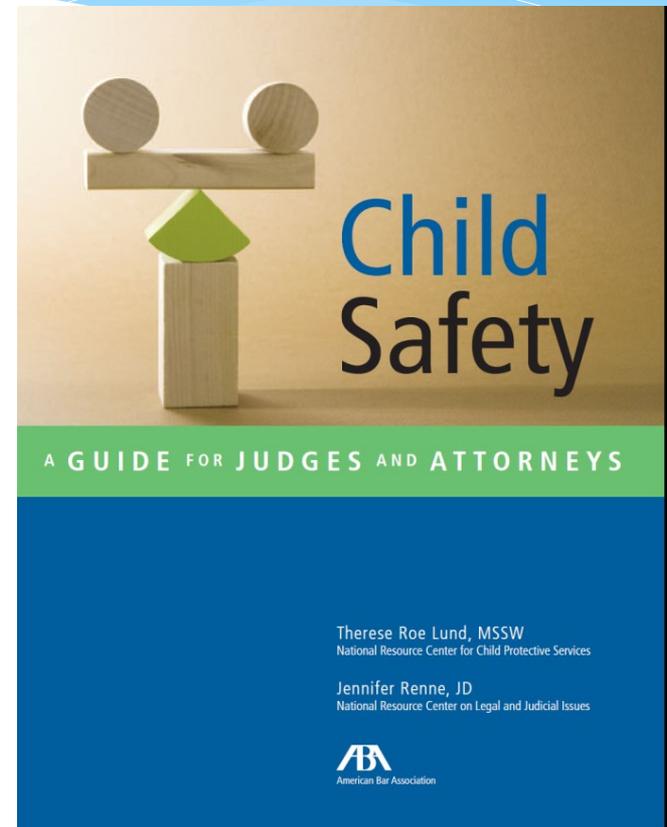
Issued: June 2016



**Division of Safety and Permanence**

<https://dcf.wisconsin.gov/files/cwportal/policy/pdf/safety-intervention-standards.pdf>

## Legal



[https://www.americanbar.org/content/dam/aba/administrative/child\\_law/ChildSafetyGuide.authcheckdam.pdf](https://www.americanbar.org/content/dam/aba/administrative/child_law/ChildSafetyGuide.authcheckdam.pdf)

# Safety Intervention Standards

Decisions and actions required through CPS involvement with the family to:

- \* Assure an unsafe child is protected.
- \* Respect the constitutional rights of each family member.
- \* Utilize the least intrusive intervention to keep a child safe.

# Purpose of Structured Decision-Making Framework

- \* Eliminate gut feelings and hunches, and it helps to professionalize the work
- \* Promote consistent practice in each county and across the state
- \* Inform professional judgment through analytical Process
- \* Provide common language across disciplines

# Key Concepts in CPS Safety Intervention

- Present Danger Threats
- Impending Danger Threats
- Vulnerable Child
- Parental Protective Capacities
- Protective & Safety Plan

# Child Safety Decision-Making Safety Equation

Present or Impending Danger

+ Vulnerable Child

- Sufficient Parental Protective Capacities

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= Unsafe Child

# Present Danger Threat

- \* Immediate, significant and clearly observable family condition that is actively occurring or “in process” of occurring at the point of contact with a family and will likely result in severe harm to a child.

# Present Danger Threats

Benchcard B1

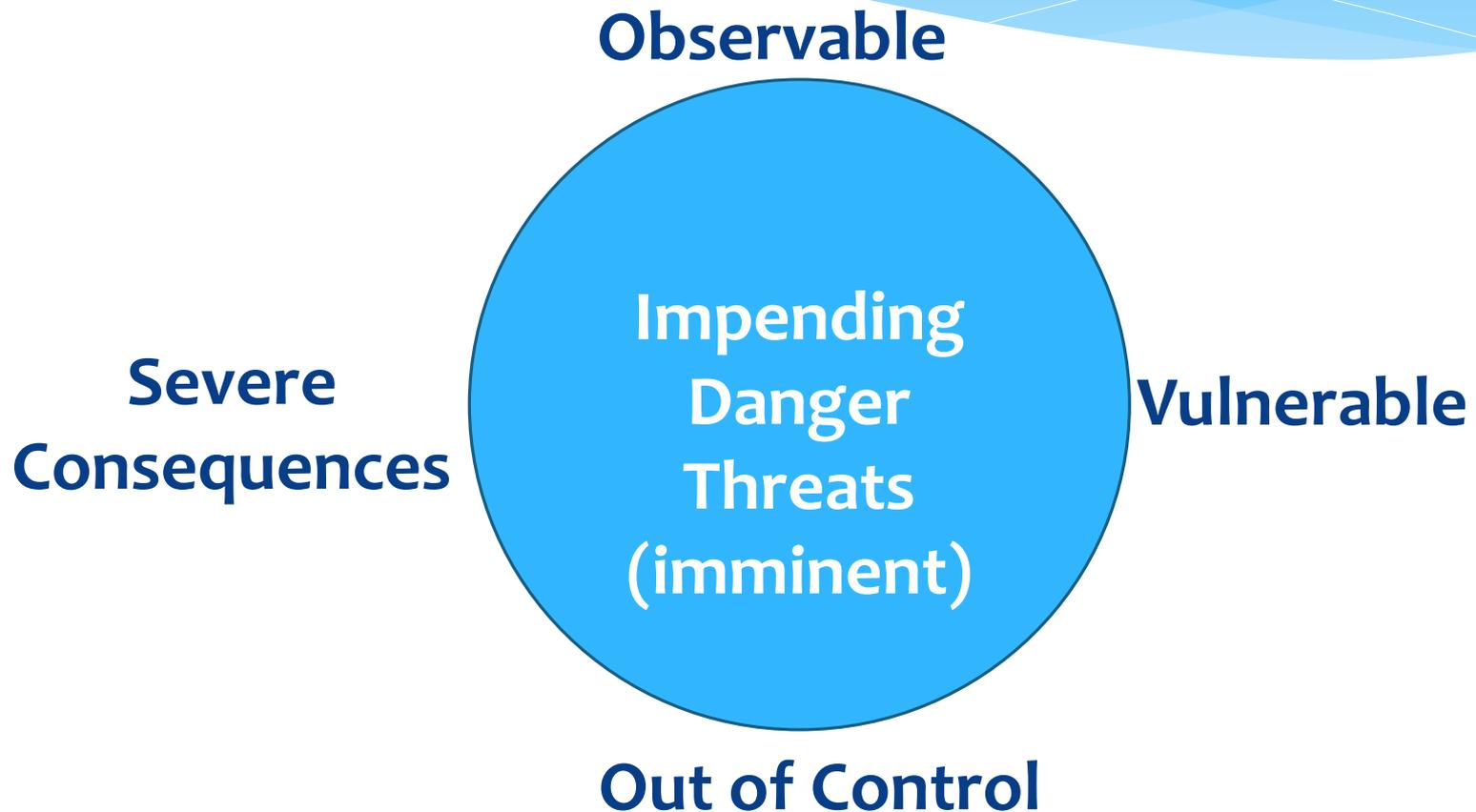


# Impending Danger Threat

- \* A foreseeable state of danger in which family behaviors, attitudes, motives, emotions and/or situations pose a threat which may not be currently active, but can be anticipated to have severe effects on a child at any time in the near future and requires safety intervention.

# Impending Danger Threats

Benchcard B2



# Present and Impending Dangers

## Present Danger Threats

- Now
- Immediate
- Requires Protective Plan

## Impending Danger Threats

- Near Future
- Imminent
- Requires Safety Plan

Or if unable to plan collaboratively with the family – placement would be required as a response to danger threats

# Protective and Safety Plans

## Protective Plan

- \* An immediate, short-term action that protects a child from present danger threats in order to gather more information to determine if impending danger threats exist.

## Safety Plan

- \* A safety plan is a written arrangement between parents/caregivers and CPS that establishes how impending danger threats will be managed.
- \* The safety plan is implemented and active as long as impending danger threats exist and parent/caregiver protective capacities are insufficient to assure a child is protected.



# **What Characteristics Does a Vulnerable Child Have?**

# Child Vulnerability Characteristics

Benchcard C

- \* Age  
(0-6 Always Vulnerable)
- \* Powerless
- \* Invisible
- \* Physical Disability
- \* Mental disability
- \* Provoking Behaviors
- \* Illness
- \* Defenseless
- \* Non-assertive



# **What Characteristics Does a Protective Parent Have?**

# Parent Protective Capacities

## Benchcard D

### \* **Cognitive**

- \* Knowledge, understanding, and perceptions contributing to protective vigilance.
- \* Parent's ability to recognize and be responsible for the child.

### \* **Behavioral**

- \* Actions, activities, and performance that result in protective vigilance
- \* Parent's ability recognize a dangerous situation AND act

### \* **Emotional**

- \* Feelings, attitudes and identification with the child and motivation resulting in protective vigilance
- \* Parent-child attachment and parent's emotional strength

# Gathering Information: Assessment Questions

Benchcard A

1. What is the nature and extent of the maltreatment?
2. What circumstances accompany the maltreatment?
3. How does the child function day-to-day?
4. How does the parent discipline the child?
5. What are overall parenting practices?
6. How does the parent manage his/her own life?
7. How does this family unit operate and function?

# Safety Equation

**Present or Impending Danger**

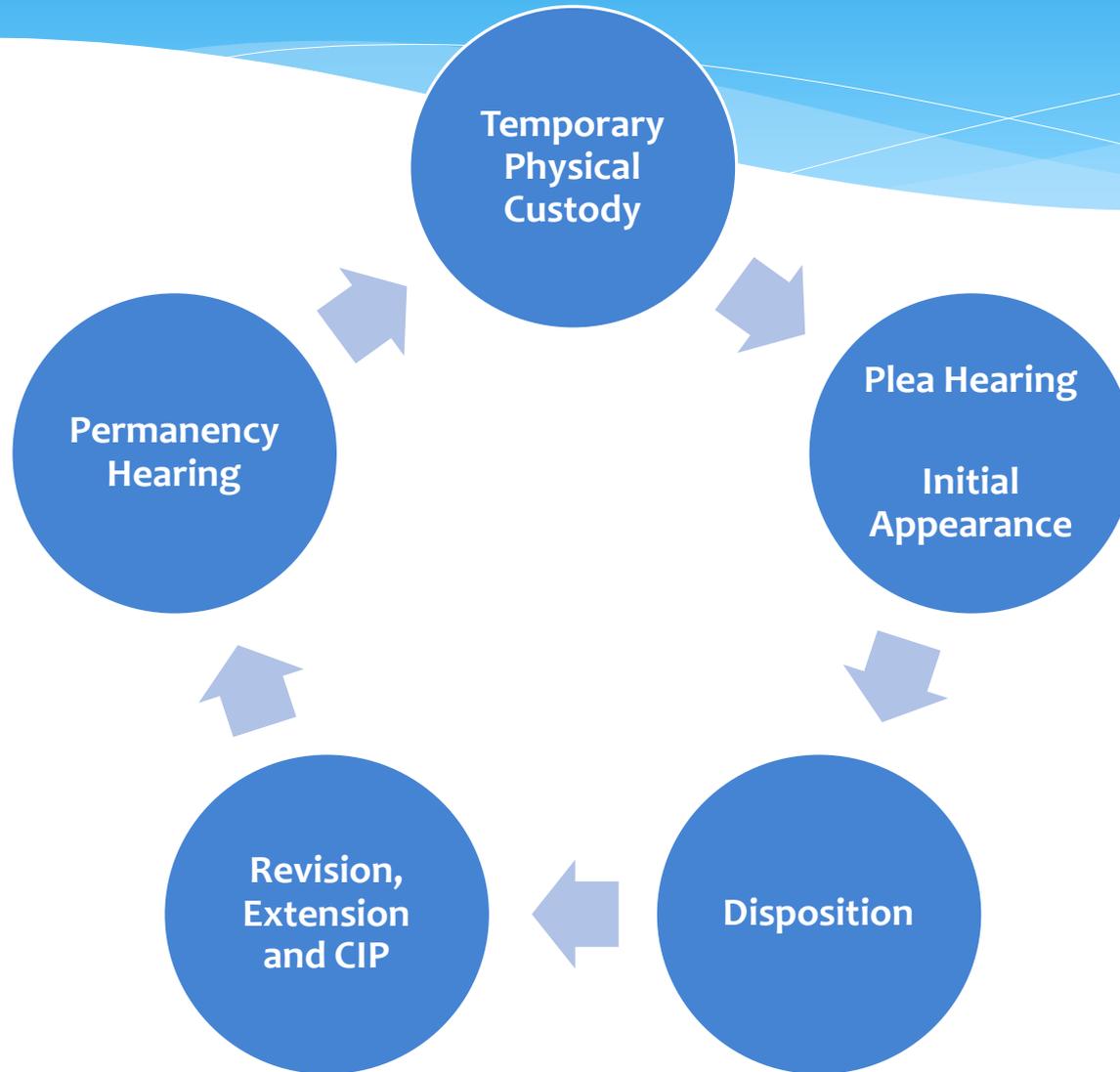
**+ Vulnerable Child**

**- Sufficient Parental Protective Capacities**

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**= Unsafe Child**

# Child Safety Applies at Every Stage of the Case



# Using the Safety Equation

## Case Study - Hannah Carson

(color handout)

Identify:

- \* Present Danger Threats,
- \* Impending Danger Threats,
- \* Child Vulnerability, and
- \* Parental Protective Capacities

**Is Hannah an unsafe child?**

# Types of CPS Plans

- \* Protective Plan – manage present danger threat
- \* Safety Plan – manage impending danger threat
- \* Case Plan – manage a behavior change

# We have an unsafe child. Now what?

- \* **Protective Plan or Safety Plan** - allows a child to remain in-home while concrete actions and services can control the danger threat(s).
- \* **Temporary Physical Custody (TPC)**

# Hallmarks of Effective Safety and Protective Plans

- Sufficient, feasible, and sustainable
- Manages danger threats and promotes behavior change
- Immediate effect
- People and services available and accessible
- Action oriented
- Does NOT rely on promises

	Protective Plan	Safety Plan	Case Plan
<b>Based on the Assessment of:</b>	Present Danger Threats	Impending Danger Threats	Impending Danger Threats, Parental Protective Capacity and Risk
<b>When in Case Process?</b>	At 1 <sup>st</sup> Contact; Anytime	End of Initial Assessment	End of Family Engagement and Assessment; 60 Days After Supervisory Approval of Initial Assessment
<b>How Long Will The Plan Last?</b>	Until the Assessment for Impending Danger Threats is Completed	Until no Impending Danger Threats or Enough Parental Protective Capacity	Until Case Closure
<b>What Does The Plan Accomplish?</b>	Assure Safety While Gathering More Information	Assure Safety Until Parents Can Resume That Role	Change Conditions and Behaviors so That They Have A Safe Home

# Ch. 48 TPC Request Supplement JC-1609

- \* TPC Supplement (JC-1609) was created to address:
  - \* Present danger threats
  - \* Impending danger threats
  - \* Child vulnerable to danger threats
  - \* Parents' protective capacities
- \* Provides additional information to judges and court commissioners to make TPC decisions.

# Review

- \* SAFETY first and throughout the case.
- \* Social work and legal systems have different focus, guiding principles, decisions, assessments and determinations and approach to child safety.
- \* Child Safety Decision-Making framework is a method for shared communication about child safety throughout the case.

# Review

**Present or Impending Danger**

**+ Vulnerable Child**

**+ Diminished Parental Protective Capacities**

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**= Unsafe Child**

# Review

**BETTER INFORMATION**

**=**

**BETTER DECISIONS**

**=**

**BETTER OUTCOMES**

# Child Safety Decision-Making Resources

Online learning activity: [www.wiccuptraining.com](http://www.wiccuptraining.com)

Circuit court forms: [www.wicourts.gov/forms1/circuit/index.htm](http://www.wicourts.gov/forms1/circuit/index.htm)

- \* TPC Request – JC-1608 or IW-1608
- \* TPC Request Supplement – JC-1609

TPC Hearing Preparation Guide:

[www.wicourts.gov/courts/programs/docs/tpchearingprepguide.pdf](http://www.wicourts.gov/courts/programs/docs/tpchearingprepguide.pdf)

# Thank You!

Marc Seidl

Brown County Health and Human Services  
Child Protection Supervisor

[Marc.Seidl@browncountywi.gov](mailto:Marc.Seidl@browncountywi.gov)

920-448-6362

Bridget Bauman

Children's Court Improvement Program Director

[Bridget.Bauman@wicourts.gov](mailto:Bridget.Bauman@wicourts.gov)

608-267-1958