

Analysis of child welfare policy

[Society](#), [Child Abuse](#)



Introduction

The Child Welfare Policy and the Child Abuse Prevention and Treatment Act (CAPTA) help protect children and provide families with the support they need to care for their children. The policy addresses child abuse and neglect, fostering, and achieving family reunification for children leaving foster care. The beneficiaries of the policy are not only the children that the policy addresses, but also the families of the children who are caring for them. The purpose of this paper is to analyze the Child Welfare Policy with a primary emphasis on the Child Abuse Prevention and Treatment Act.

“ Child abuse is more common than many people care to believe. In the United States each year more than 3. 6 million reports of child abuse are made which involve almost 6 million children. Each day 4 or 5 children are killed by child abuse or neglect. Children whose parents abuse alcohol and drugs are 3 times more likely to be abused and 4 times more likely to be neglected than other children” (FindlawsTeam, 2019).

Historical Context

The most important Federal legislation that addresses child abuse and neglect is the Child Abuse Prevention and Treatment Act (CAPTA). When public attention turned to child abuse and neglect in the 1970s, “ early estimates suggested that the risk was actually higher in out-of home care, placement such as institutions, residential treatment facilities, group homes, foster homes, and day care services than familial care” (Martini and Nutton, (2009). This legislation was enacted in 1974 and has been amended several times. It was reauthorized by the CAPTA Reauthorization Act of 2010, and

most recently amended in January 2019 by the Victims of Child Abuse Act Reauthorization Acts of 2018.

Before the 19th century, child welfare services were voluntary and aimed to save children. Voluntary societies would investigate reports of child neglect, exploitation, and cruelty. However, although the children at this time were being removed from abusive homes, these societies did not help to rehabilitate the biological parents of the children because they only characterized them as unfit and not able to take care of the children. Throughout the 19th century, child welfare began to evolve from this mindset into a system that aimed to identify and protect children and their families. This system is largely government funded and very much needed here in the United States.

Child abuse captured the country's attention again in 1962, when an article in Journal of the American Medical Association “ described symptoms of child abuse and deemed child abuse to be medical diagnosable”(2019). Within 10 years, every state was mandated to report laws. This requires that doctors, teachers and so on report child abuse to child protective services and other authorizes. Child Abuse Prevention and Treatment Act (CAPTA), was put in place to further the efforts to eliminate child abuse by funding programs to help individuals identify and report abuse, and to provide shelter and support to the victims. Despite this, child abuse still continues despite these laws.

The CAPTA legislation of 1984 “ required that the states not only provide statutory language including out-of-home care as a part of the definition of abuse and neglect (Nunno and Rindfleisch 1991), but also establish “ a

statute or administrative procedure requiring that when a report of known or suspected child abuse or neglect involves the acts or omissions of the agency, institution, or facility to which the report would ordinarily be made, a different properly constituted authority must receive and investigate the report and take appropriate protective and corrective action” (Martini, Nutton, 2009).

In 2014 alone, it was estimated that 702, 000 children were found to have experienced maltreatment. Of these children, only 147, 462 were placed in foster care. It was also reported that an estimated 1, 580 children die each year due to maltreatment, to include abuse and neglect. No child deserves to live in an environment where they feel unloved or not taken care of.

Economic Context

A five-year reauthorization of CAPTA was signed in 2010 by President Obama. CAPTA is vital in the funding of child protective services, other child welfare agencies, and some dependency court programs. CAPTA has shaped the CPS agencies in the U. S. in law, policy, and especially the requirements for funding and state grants. Every state is now required to have a system of technology so support caseworks so they are able to “ track reports of child abuse and neglect from into to the final disposition” (Davidson, 2011). The costs of development for this technology also known as the Statewide Automated Child Welfare Information Systems already has exceeded 2. 3 billion compared to the CAPTA state funding which is about 26. 5 million a year. States are required by law to self-certify that they are aware of and are following the law in order to keep the funding.

The federal child welfare spending amounts are approximately \$9 billion a year. The largest portion of the spending goes to Title IV-E, accounting for just under \$5 billion to reimburse states for their foster care costs.

Unfortunately, every year this portion seems to shrink due to eligibility requirements. “ In 2015, CAPTA provided less than \$26 million in state grants, which is less than one third of 1% of total child welfare spending” (2011). All child welfare spending combined constitutes just “ 0. 25% of yearly spending . 25 and expenditures constitute a statistically insignificant portion of that tiny fraction” (Harfield and Marlowe, 2017).

CAPTA has become widely recognized as the unfortunate “ kitchen sink” of child welfare law, making it unworkable and confusing. With the amount of requirements that states need to comply with, it results in unfunded mandates. With so much need and growth the funding remains stagnant, “ a thinly veiled complacency between federal government and t state agencies has evolved and been allowed to persist” (Harfield and Marlowe, 2017).

According to the article, despite states failures to comply with CAPTA mandates, shows off the system of check and balances and discourages those pushing for great accountability for Federal monies, and important it imperils children and families by denying them protections and services guaranteed by law (2017).

An increase in funding would transform communities and family support in every state. If they were to increase funding to \$500 million a year it would allow for better service delivery, would facilitate systems- building at the state and community levels and increase protective factors. “ Research has

shown that the protective factors are linked to a lower incidence of child abuse and neglect and improved health and well-being” (Prevent Child Abuse, 2016). CB-Cap grants provide support for local services that are essential to building healthy and thriving communities, home visiting programs, parental skill building, self-help programs, mental health and substance programs, and family support services. According to Prevent Child Abuse (2016), Congress has authorized funding of \$80 million per year for the grant, but it is currently funded at \$39 million a year for all 50 states, but has fallen short of the funding necessary to help support families, increase protective factors, and ensure all children thrive.

Political, Ideological and Values Context

With the overly high response to child abuse and neglect the government has the daunting responsibility to set forth public policy and law. The legislative reform struggles with these issues to adequately protect children while still preserving the integrity of family. With CAPTA the funding and policy challenges can reform federal child welfare law and can also be seen through a lens which advocates can locate both conventional and unconventional tools to move forward.

According to Van Wormer and Link (2015), children are to be guaranteed the right to be protected physically and provided shelter: the right to be consulted when families separate or divorce, the right to know about their birth families and cultural identities and the right not to be abandoned, sold or trafficked. CAPTA now mandates that child protective services of births that are affected by illegal drugs. Secondly, CAPTA focuses on safe care

planning on the health and substance abuse disorder for treatment and needs of the infant and mother, and third it requires data collection and monitoring on referrals of needed services (Lloyd, Luczak and Lew, 2019)). CAPTA mandates apply to all 50 states. States must submit their plans before becoming eligible to receive grants for child abuse prevention and treatment programs per (CAPTA Sec. 106)

According to the Child Abuse and Neglect Policy (2014) published by The National Academy of Sciences, CAPTA represents the federal government's commitment to protecting children from maltreatment. It provides funding to states for child abuse and neglect prevention, identification, prosecution, and treatment activities. It also provides grants to public agencies and nonprofit organizations for demonstration projects. CAPTA defines the federal role in supporting research, evaluation, technical assistance, and data collection activities pertaining to child maltreatment. To receive CAPTA funds, states must meet a number of requirements, “ including enacting statutes that define and prohibit child maltreatment; establishing a child maltreatment reporting system; designating an agency responsible for investigating child maltreatment; providing immunity from prosecution for individuals making good faith reports of suspected or known instances of child maltreatment; and protecting the confidentiality of data generated by the maltreatment reporting system” (Petersen and Felt, 2014).

There have been numerous changes to the federal and state laws and policies designed to “ impact the incidence, reporting, and negative health and economic consequences of child abuse and neglect”(2014). The changes

resulted in ” (1)the development of reporting on evidence that a specific practice reform has had a positive impact, (2) the existence of one or more models or demonstrations of successful implementation of such reforms, (3)and a combination of clinician and advocacy community support for legislation that further promotes the reforms” (2014). In order to make policies both legislation and government regulations, protocols, must be involved to affect knowledge and practice. “ Regulations and protocols are typical results of the process of implementing laws at the state and local level” (2014). However, a non-statutory policy reform can also in set on the national level.

Global Context

The statistics from the WHO and UNICEF are alarming when it comes to child abuse and welfare in a global context. In 2017, the WHO estimated that 1 billion minor’s ages 2-17 were victims of violence to include physical, emotional, and/or sexual. UNICEF estimated in 2014 that over 120 million children were affected by sexual abuse.

PBC breaks down the statistics into different areas of the world: Europe, Asia, Oceania, and Africa. In Europe, the WHO estimated in 2013 almost 18 million children were affected by sexual abuse alone. An estimated 44 million children were affected by physical abuse, while 55 million were affected by emotional abuse in the same year. It was reported that in India, there were a total of 48. 338 reported rapes of children. Between 2015 and 2016, Australia’s reports indicated about 450 million children were under child protection measures and 55, 600 children had been removed from their

homes due to abuse. Finally, in South Africa, it was reported that in 2016 1-3 children were at risk of being sexually abused before the age of 17. It is difficult to get reports from other countries in Africa because of the different cultural practices such as the practice of early marriage.

While there are child welfare policies in place around the world, many of these practices are not as effective as they could be, including the United States. These practices are mainly reactive instead of proactive. Also, many countries have different cultural practices that seem taboo when looking from an outsider's perspective, but are normal when immersed in that society. This could lead to a lot of push back from specific cultures toward child welfare policies and agencies.

Policy Effectiveness and Recommendations

CAPTA provides funding and guidance to states in support of prevention, assessment, investigation, prosecution, and treatment and also provides grants to public agencies and nonprofit organizations for demonstration programs and projects (Child Welfare, 2019). This policy understand the importance of federal role in the support of research, evaluation, technical assistance, and data collection activities. CAPTA has established the Office of Abuse and Neglect, and has established a national clearinghouse of information relating to child abuse and neglect.

“ CAPTA dictates that CPS notification and safe care planning occur for infants “ identified as being affected by” alcohol and illegal drug exposure. The legislation does not articulate how providers identify these affected

children, leaving significant room for interpretation and disparities across states, cities, and even individual hospitals” (Llyod, Akin and Brook, 2018).

In 2015, CAPTA was amended to have in place the following provisions and procedures; “ a requirement to identify and assess all reports involving children known or suspected to be victims of sex trafficking, and to train child protective services workers about identifying, assessing, and providing comprehensive services for children who are sex trafficking victims, including efforts to coordinate with State law enforcement, juvenile justice, and social services agencies, such as runaway and homeless youth shelters” (2019). With that being said, they are not looking just at physical child abuse and neglect but also focusing on sexual abuse among children.

In order to improve the systems performance we need to make relationships the priority, focus on prevention, strengthen assessments, provide integrated services, and provide resources and support to foster families. In the field of child welfare, the priority for many has been to manage the crisis system for a long time. This management happens when a child is severely injured or dies because of the failure of the system to work reactively instead of preventatively. If the system could rework the current approach to be more proactive instead of reactive, this approach would be more effective in saving the lives of children who are being abused and maltreated. This reactive approach that has been in the works for years and puts a lot of shame on the child welfare system and blame when a child is severely injured or dies.

When working with a proactive and preventative framework that uses evidence-informed policy, it will create and promote a culture of support for children and their families when it comes to the safety and welfare of our children. Without having the CAPTA policy as a guide, there is a potential for ineffective and inconsistent response to exposure.

In the aftermath of the recent election, any proposal to expand on the entitlement seems very unlikely, due to the many threats to these programs. “ Advocates may worry about the abandonment of CAPTA, or pushing for drastic changes, for fear that the government will eliminate funding rather than have it reallocated” (Hartfeld, Marlowe, 2017).

There needs to be support to increase accountability among states, investments in new grants, and expand research and technical assistance. This should include service delivery and infrastructure, strengthening data collection and reporting, accountability. Legal substantiation and screening, new grants.

“ Greater focus on prevention now yields significant cost reduction later, saving taxpayers from long-term, costly interventions, while simultaneously improving outcomes for children and families. Our nation must work together to strengthen families, promote healthy and safe childhoods, and prevent child abuse and neglect before it occurs through necessary resources and support” (Prevent Child Abuse, 2019). I feel that policy implementation strategies are needed to increase the likelihood that CAPTA achieves its desired goal, especially with the professional’s that have been in the field longer and be less open to change.

Conclusion

Today, child welfare services are provided by state and local public child welfare agencies and by voluntary agencies, the latter receiving most or all of their funding from government sources. The U. S. government influences child welfare services primarily through provision of funding to states, which is contingent upon states using these funds in ways that are consistent with federal law. In conclusion, the long term goal is to promote effective policies and practices that improve the safety and well-being of children, while helping participating states embrace the notion that ensuring the safety and well-being of every child is a shared priority objective of each branch of government. The number of children being abused and neglected is unacceptable especially when a policy for this exists. As a society we all need to be more proactive when a child's life is in danger and know the policies and steps that can be taken.

References

1. About CAPTA: A Legislative History. (2019, February). <https://www.childwelfare.gov/pubpdfs/about.pdf>
2. Child Abuse Background and History. (n. d.). <https://family.findlaw.com/child-abuse/child-abuse-background-and-history.html>
3. Child Abuse Prevention and Treatment Act (CAPTA) Recommendations to the 116th Congress. (2016). https://www.preventchildabuseny.org/application/files/5015/4930/5929/PCAA_CAPTA_Recommendations_to_the_116th_Congress_4.0.pdf
4. Davidson, H. (2011, January). The CAPTA Reauthorization Act of 2010: What Advocates Should Know. <https://www.americanbar.org>

- org/groups/litigation/committees/childrens-rights/articles/2011/capta-reauthorization-act-of-2010-what-advocates-should-know/
5. Harfeld, A., & Marlowe, K. (2017, March). Making America's Children Safe Again. <https://onlinelibrary-wiley-com.une.idm.oclc.org/doi/full/10.1111/jfcj.12089>
 6. Lloyd, M. H., Luczak, S., & Lew, S. (2019, April). Planning for safe care or widening the net?: A review and analysis of 51 states' CAPTA policies addressing substance-exposed infants. <https://www-sciencedirect-com.une.idm.oclc.org/science/article/pii/S0190740918309848>
 7. Martini, M., & Nutton, J. (n. d.). CAPTA and the Residential Placement: A Survey of State Policy and Practice. Retrieved April, 2009, from <https://search-proquest-com.une.idm.oclc.org/docview/226976339?pq-origsite=summon>
 8. Petersen, A. C. (2014, March 25). Child Abuse and Neglect Policy. Retrieved from <https://www.ncbi.nlm.nih.gov/books/NBK195993/>
 9. Policy & Legislation. (2018). <https://www.firststar.org/learn-more/policy-legislation/>
 10. Thorne. (2017). A look at child abuse on the global level. Retrieved from <https://www.pbc2019.org/protection-of-minors/child-abuse-on-the-global-level>