

Of concern to me is the Proposed Safety Performance Area 2: Re-Report of Maltreatment. Distributed at the Seattle CFSR Round 3 meeting was the "Federal Register/Vol. 79, No. 78/Wednesday, April 23, 2014/Proposed Rules." Pertaining to the indicator, Re-Report of Maltreatment, some of the highlights I gleaned from page 22607 are:

"Of all children who received a screened-in report of maltreatment during a 12 month period (regardless of disposition type), what percent were reported again within 12 months from the date of initial report?;"

"Screened-in reports that have a disposition reported are included, regardless of whether the disposition is that the child is a victim or a non-victim;"

"The Justification for Inclusion: This indicator is included to provide an assessment of whether the agency took the necessary actions to prevent a future report of maltreatment for children previously the subject of a screened in report to the agency."

A literal reading and a literal understanding of "The Justification for Inclusion" is that Child Welfare Services (CWS) agencies will be scrutinized as to whether they did whatever they could to prevent future reports of maltreatment. This seems to conflict with the federal Child Abuse and Neglect Reporting Act (CANRA). In California, CANRA is imbedded in the California Penal Code (PC) Sections 11164-11174.3. Penal Code Section 11166(a) states, in part, "..., a mandated reporter shall make a report to an agency specified in Section 11165.9 whenever the mandated reporter, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect." Rather than discourage mandated reporters from reporting, CWS agencies encourage them to call in alleged reports of abuse/neglect when they have a "reasonable suspicion."

Variables not considered in the proposed re-report of maltreatment are:

CWS has no control over who makes a report or when a report is made. Reporters of child abuse/neglect do not always have pure motives. For example, CWS agencies can receive multiple reports of alleged abuse/neglect from ex-spouses involved in custody battles, angry relatives, angry neighbors and, sometimes, reporters who have mental health or drug issues that cause them to hallucinate that alleged abuse/neglect is occurring. Until CWS sees a pattern of false allegations by a reporter, CWS is likely to take the reporter's information at face value and screen-in these referrals for the safety of the children involved rather than screen them out;

A family offered services by CWS may choose to decline services. Unless there are significant risk/safety issues of harm to the child(ren) that would prompt a formal intervention by CWS, e.g., a non-detained Juvenile Court petition, a family has a right to decline services. Why should a CWS agency be penalized for not over-reaching their legal authority to intervene when a family declines services, yet a future report is received on the family, irrespective of the disposition of the subsequent referral? A possible unintended consequence of this proposed indicator might be for CWS agencies to seek more formal interventions with families to avoid future referrals, though there is no guarantee of no future referrals because of a formal intervention;

A family may initially be receptive to receiving services, but later say they are no longer interested. This could prompt a referral from a service provider who has been working with the family, which would be a positive, but the proposed indicator would view this as a negative; and,

The proposed indicator is of a screened-in report of maltreatment during a 12-month period from the date of an initial report. This concerns me because CWS agencies may, for example, receive allegations that are appropriate for a 10 day response. But, before CWS has a chance to respond, 2 days later another report is received. There is now another screened in report, but CWS has not had the opportunity to respond. How can a CWS agency "...take necessary actions to prevent a future report of maltreatment..." if CWS has not had the opportunity to respond to the referrals and assess the needs of the family? Having the 12 months start from the date of the initial report is unrealistic and will lead to data that is not a true indication of the efforts made by CWS agencies to help families.

Conclusion: I understand the intent of the framers of the new proposed indicator - it is to ensure that CWS agencies do a good job of assessing the needs of families and providing appropriate services so future reports of maltreatment do not occur. However, this approach does not factor in the complexity and variability of working with families. I propose that a better indicator is of a subsequent "substantiated" referral within 6 months.