



How Does the Child Welfare System Work?

What is the child welfare system?

The child welfare system is a group of services designed to promote the well-being of children by ensuring safety, achieving permanency, and strengthening families to successfully care for their children. Most families first become involved with the child welfare system due to a report of suspected child abuse or neglect (sometimes called “child maltreatment”). Child maltreatment is defined by Federal law¹ as serious harm (neglect, physical abuse, sexual abuse, and emotional abuse or neglect) caused to children by parents or primary caregivers, such as extended family members or babysitters. Child maltreatment can also include harm that a caregiver *allows* to happen (or does not *prevent* from happening) to a child. In general, child welfare agencies do not intervene in cases of harm to children caused by acquaintances or strangers. These cases are the responsibility of law enforcement.²

The child welfare system is not a single entity. Many organizations in each community work together to strengthen families and keep children safe. Public agencies (departments of social services, child and family services, etc.) often contract and collaborate with private child welfare agencies and community-based organizations to provide services to families, such as in-home (“family preservation”) services, foster care, residential treatment, mental health care, substance abuse treatment, parenting skills classes, employment assistance, and financial or housing assistance.

Child welfare systems are complex, and their specific procedures vary widely by State. The purpose of this fact sheet is to give a brief overview of the purposes and functions of child welfare from a national perspective. Child welfare systems typically:

- Receive and investigate reports of possible child abuse and neglect.
- Provide services to families who need assistance in the protection and care of their children.
- Arrange for children to live with foster families when they are not safe at home.
- Arrange permanent adoptive homes or independent living services for children leaving foster care.

¹ Keeping Children and Families Safe Act of 2003, Title I Child Abuse Prevention and Treatment Act (P.L. 108-36). Each State has its own laws that define abuse and neglect for purposes of stating the reporting obligations of individuals and describing required State/local child protective services agency interventions. For State-by-State information about civil laws related to child abuse and neglect, visit the National Clearinghouse on Child Abuse and Neglect Information website at <http://nccanch.acf.hhs.gov/general/legal/state/index.cfm>.

² While some States authorize child protective services agencies to respond to all reports of alleged child maltreatment, other States authorize law enforcement to respond to certain types of maltreatment, such as sexual or physical abuse.



What happens when a report of possible abuse or neglect is made?

Any concerned person can report suspicions of child abuse or neglect. Most reports are made by “mandatory” reporters (persons who are required by State law to report suspicions of child abuse and neglect). In approximately 18 States, any person who suspects child abuse or neglect is required to report. Reports of possible child abuse and neglect are generally received by child protective services (CPS) workers and either “screened in” or “screened out.”³ A report is screened in if there is sufficient information to suggest an investigation is warranted. A report may be screened out if there is not enough information on which to follow up or if the situation reported does not meet the State’s legal definition of abuse or neglect.⁴ In these instances, the worker may refer the person reporting the incident to other community services or law enforcement for additional help.

In the year 2002, an estimated total of 2.6 million referrals involving 4.5 million children were made to CPS agencies. Approximately 67 percent (1.8 million referrals) were screened in, and 33 percent (861,000 referrals) were screened out.⁵

When a report is “screened in,” what happens next?

CPS workers (often called “investigators”) respond within a particular time period (anywhere from a few hours to a few days) depending on the type of maltreatment alleged, the potential severity of the situation, and requirements under State law. They may speak with the parents and other people in contact with the child (such as doctors, teachers, or childcare providers). They also may speak with the child, alone or in the presence of caregivers, depending on the child’s age and level of risk. Children who are believed to be in immediate danger may be moved to a shelter, foster care placement, or a relative’s home during the investigation and while court proceedings are pending. An investigator’s primary purpose is to determine if abuse or neglect has occurred and if there is a risk of it occurring again.

Some jurisdictions now employ an “alternative response” system. In these jurisdictions, when risk to the children involved is considered to be low, the CPS caseworker may focus on assessing family difficulties and offering needed services, rather than gathering evidence to confirm the occurrence of abuse or neglect.

At the end of an investigation, CPS workers typically make one of two findings—“unsubstantiated” (“unfounded”) or “substantiated” (“founded”). (These terms vary from State to State.) Typically, a finding of “unsubstantiated” means there is insufficient evidence for the worker to conclude that a child was abused or neglected, or what happened does not meet the legal definition of child abuse or neglect. A finding of “substantiated” typically means an incident of child abuse or neglect (as defined by State law) is believed to have occurred. Some States have additional categories, such as “unable to determine,” that suggest there was not enough evidence to either confirm or refute that abuse or neglect occurred.

³ See *Mandatory Reporters of Child Abuse and Neglect and Reporting Procedures*, available from the National Clearinghouse on Child Abuse and Neglect Information Statutes-at-a-Glance Series (<http://nccanch.acf.hhs.gov/general/legal/statutes.cfm>).

⁴ See *Definitions of Child Abuse and Neglect*, available from the National Clearinghouse on Child Abuse and Neglect Information Statutes-at-a-Glance Series (<http://nccanch.acf.hhs.gov/general/legal/statutes.cfm>).

⁵ U.S. Department of Health and Human Services. (2004). *Child maltreatment 2002*. Washington, DC: U.S. Government Printing Office.

The agency will initiate a court action if it determines that the authority of the juvenile court (through a child protection or “dependency” proceeding) is necessary to keep the child safe. To protect the child, the court can issue temporary orders placing the child in shelter care during investigation, ordering services, or ordering certain individuals to have no contact with the child. At an adjudicatory hearing, the court hears evidence and decides whether maltreatment occurred and whether the child should be under the continuing jurisdiction of the court. The court then enters a disposition, either at that hearing or a separate hearing, which may result in the court ordering a parent to comply with services necessary to ameliorate the abuse or neglect. Orders can also contain provisions regarding visitation between the parent and child, agency obligations to provide the parent with services, and services needed by the child.

In 2002, approximately 896,000 children were found to be victims of child abuse or neglect.⁶

What happens in substantiated cases?

If a child has been abused or neglected, the course of action depends on State policy, the severity of the maltreatment, the risk of continued or future maltreatment, the services available to address the family's needs, and whether the child was removed from the home and a court action to protect the child was initiated. The following general options are available:

- **No or low risk**—The family's case may be closed with no services if the maltreatment was a one-time incident, there is no or low risk of future incidents, or the services the family needs will not be provided through the child welfare agency, but through other systems.
- **Low to moderate risk**—Referrals may be made to community-based or voluntary in-home CPS services if the CPS worker believes the family would benefit from these services and the risk to the child would be lessened. This may happen even when no abuse or neglect is found, if the family needs and is willing to participate in services.
- **Moderate to high risk**—The family may again be offered voluntary in-home CPS services to help ameliorate the risks. If these are refused, the agency may seek intervention by the juvenile dependency court. Once there is a judicial determination that abuse or neglect occurred, juvenile dependency court may require the family to cooperate with in-home CPS services if it is believed that the child can remain safely at home while the family addresses the issues contributing to the risk of future maltreatment. If the child has been seriously harmed or is considered to be at high risk of serious harm, the court may order the child's removal from the home or affirm the agency's prior removal of the child. The child may be placed with a relative or in foster care.

In 2002, an estimated 265,000 children were removed from their homes as a result of a child abuse investigation or assessment.⁷

⁶ Ibid.

⁷ Ibid.

What happens to people who abuse children?

People who are found to have abused or neglected a child are generally offered voluntary help or required by a juvenile dependency court to participate in services that will help keep their children safe. In more severe cases or fatalities, police are called upon to investigate and may file charges in criminal court against the perpetrators of child maltreatment. (In many States certain types of abuse, such as sexual abuse and serious physical abuse, are routinely referred to law enforcement.)

Whether or not criminal charges are filed, the perpetrator's name may be placed on a State child maltreatment registry if abuse or neglect is confirmed. A registry is a central database that collects information about maltreated children and individuals who were found to have abused or neglected those children. These registries are usually confidential, and used for internal child protective purposes only. However, they may be used in background checks for certain professions, such as those working with children, so children will be protected from contact with individuals who may mistreat them.

What happens to children who enter foster care?

Most children in foster care are placed with relatives or foster families, but some may be placed in group homes. While a child is in foster care, he or she attends school and should receive medical care and other services as needed. The child's family also receives services to support their efforts to reduce the risk of future maltreatment and to help them, in most cases, be reunified with their child. Parents may visit their children on a predetermined basis. Visits also are arranged between siblings, if they cannot be placed together.

Every child in foster care should have a permanency plan that describes where the child will live after he or she leaves foster care. Families typically participate in developing a permanency plan for the child and a service plan for the family. These plans guide the agency's work. Except in unusual and extreme circumstances, every child's plan is first focused on reunification with parents. If the efforts toward reunification are not successful, the plan may be changed to another permanent arrangement, such as adoption or transfer of custody to a relative.⁸ Occasionally the plan involves a permanent placement with a foster family, usually for older children who have become strongly attached to the family or for whom a suitable adoptive home cannot be found. In addition to a permanency plan, older children should receive transitional or independent living services to assist them in being self-sufficient when they leave foster care between the ages of 18 and 21.

Federal law requires the court to hold a permanency hearing, which determines the permanent plan for the child, within 12 months after the child enters foster care and every 12 months thereafter. Many courts review each case more frequently to ensure that the agency is actively engaged in permanency planning for the child.

In fiscal year 2001, 57 percent of children leaving foster care were returned to their parents. The median length of stay in foster care was 12 months.⁹

⁸ Under the Adoption and Safe Families Act (ASFA), while reasonable efforts to preserve and reunify families are still required, State agencies are required to seek termination of the parent-child relationship when a child has been in foster care for 15 of the most recent 22 months. This requirement does not apply (at the State's option) if a child is cared for by a relative, if the termination is not in the best interest of the child, or if the State has not provided adequate services for the family.

⁹ U.S. Department of Health and Human Services. (2003). The AFCARS Report (Preliminary FY 2001 estimates as of March 2003).

Summary

The goal of child welfare is to promote the safety, permanency, and well-being of children and families. Even among children who enter foster care, most children will leave the child welfare system safely in the care of their birth family, a relative, or an adoptive home.

For more detailed information about child welfare, please refer to the resources listed below. For more information about the child welfare system in your State or local jurisdiction, contact your local public child welfare agency.

Resources

Badeau, S. & Gesiriech, S. (2003). *A child's journey through the child welfare system*. Washington, DC: The Pew Commission on Children in Foster Care. (<http://pewfostercare.org/docs/index.php?DocID=24>)

Goldman, J. & Salus, M. (2003). *A coordinated response to child abuse and neglect: The foundation for practice (The User Manual Series)*. Washington, DC: U.S. Department of Health and Human Services.

McCarthy, J., Marshall, A., Collins, J., Milon, J., Arganza, G., Deserly, K. (2003). *Family guide to the child welfare system*. Washington, DC: National Technical Assistance Center for Children's Mental Health at Georgetown University Center for Child and Human Development. (http://gucchd.georgetown.edu/documents/AFamilysGuideFINAL_WEB_VERSION.pdf)

Rycus, J. & Hughes, R. (1998). *Field guides to child welfare* (Vol. I – IV). Washington, DC: CWLA Press.

U.S. Department of Health and Human Services. *AFCARS report #8*. (www.acf.hhs.gov/programs/cb/publications/afcars.htm)

U.S. Department of Health and Human Services. (2004). *Child maltreatment 2002*. Washington, DC: U.S. Government Printing Office. (www.acf.hhs.gov/programs/cb/publications/cmreports.htm)

U.S. Department of Health and Human Services. (2003). *Child welfare outcomes 2000: Annual report*. Washington, DC: U.S. Government Printing Office. (www.acf.hhs.gov/programs/cb/publications/cwo.htm)

U.S. Department of Health and Human Services (2003). *Definitions of child abuse and neglect*. 2003 Child Abuse and Neglect State Statute Series: Statutes-at-a-Glance. National Clearinghouse on Child Abuse and Neglect Information. (<http://nccanch.acf.hhs.gov/general/legal/statutes/define.cfm>)

U.S. Department of Health and Human Services (2003). *Mandatory reporters of child abuse and neglect*. 2003 Child Abuse and Neglect State Statute Series: Statutes-at-a-Glance. National Clearinghouse on Child Abuse and Neglect Information. (<http://nccanch.acf.hhs.gov/general/legal/statutes/manda.cfm>)

U.S. Department of Health and Human Services (2003). *Reporting procedures*. 2003 Child Abuse and Neglect State Statute Series: Statutes-at-a-Glance. National Clearinghouse on Child Abuse and Neglect Information. (<http://nccanch.acf.hhs.gov/general/legal/statutes/repproc.cfm>)

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