

# *The Sounding Board:*

## *News and Reviews in Child Welfare*

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“An examination of the reasons for child removal in Clark County, Nevada,” by Leroy H. Pelton, [Children and Youth Services Review](#) , July, 2008.

Leroy Pelton is the author of [For reasons of poverty: A critical analysis of the public child welfare system in the U.S.](#), published in 1989, one of the most challenging critiques of this country's child welfare system ever written. In the 1980s, Pelton was one of the first scholars to insist on the strong association between child abuse and neglect and poverty when this was still a controversial position. Pelton has argued throughout his career that child welfare agencies in this country overuse foster care and do too little to meet the poverty related needs of the families investigated by CPS.

In this article, Pelton describes and reflects on his study of 150 dependency cases in Clark County, Nevada (Las Vegas) filed between July 1, 2005 and June 30, 2006. Pelton randomly selected 50 (9.5%) of 527 dependency filings in which there was an initial shelter care hearing following a child's involuntary placement but which never went to a second hearing, and 100 filings (out of 1052, 9.5%) with both an initial hearing and subsequent child protection hearings (usually referred to as fact finding and disposition) in Washington State. Pelton had access to the court files in these 150 cases.

In the first sample of 50 cases resolved without dependency findings, Pelton found substance abuse, usually of methamphetamines, identified in 44% of the cases. Pelton states that in 3 of these cases, the mother tested positive for drug use at the time of delivery; and the baby was placed from the hospital without mention in the record of other grounds for placement. In a few other cases, parents were arrested for possession of drugs and/ or for outstanding warrants related to drugs; and children were placed at the time of the parent's arrest. Pelton also identified a group of children placed after inebriated parents or parents high on drugs were arrested by police for traffic offenses.

Pelton is particularly exercised by the placement of babies and other young children in Child Haven, a congregate care facility which should not be confused with the therapeutic child development program in Seattle. Child Haven is an emergency shelter in Clark County, Nevada licensed for 92 children but whose one day population has reached 230 children, according to Pelton, who has been a proponent of closing the facility. Pelton acknowledges that there have been reductions in the numbers of children placed in this facility, especially children 0-3, based in part on legal actions brought by child advocacy groups. Nevertheless, Child Haven continues to be a key resource for children removed from parents in Las Vegas, a resource frequently utilized by law enforcement officers. The misuse (i.e., extended stays of weeks or months) and overcrowding of emergency shelters has been a recurrent theme in child welfare jurisdictions around the country; the misuse of emergency shelters is frequently associated with shortages of foster homes and with an “out of sight, out of mind” mentality in regard to children placed in these facilities on the part of overworked child welfare staff. Surprisingly (unless you understand his perspective), Pelton is critical of initiatives intended to increase the availability of foster homes.

In 3 of the 28 cases in which substance abuse was not a factor in a child's placement, domestic violence incidents led to child removal. In one of these cases, “when police went to a home to investigate a domestic violence incident, they found empty beer bottles, broken glass and cigarette butts on the floors from a party the night before. They reported the home “smelled like feces”, that dirty clothes and diapers

were all over the floors, and that piles of dishes were in the sink. They also reported that the 19 month old child had witnessed the (DV) incident, for which they arrested the father. In all 3 (DV) cases, the child was taken to Child Haven.”

Child neglect led to a number of placements. Police officers placed children due to unsanitary home environments, lack of resources and inadequate supervision; in one instance children were placed by police after parents reneged on a promise to move out of a trailer with a broken sewer pipe and a pond of sewage. In addition, homelessness was a factor in 3 of these cases.

Several children, including a few teenagers, were placed due to physical abuse, sometimes based on their statements to police and sometimes with physical evidence of abuse. Pelton found only one case of alleged sexual abuse in this sample of 50 cases.

Pelton identified 2 cases of child death in this sample: One year old twins were rushed to the hospital in critical condition “where one died due to abdominal trauma and the other underwent surgery for the same.” The father claimed a stereo had fallen on them. The surviving twin was returned to the mother who was not in the home at the time the children were injured. The mother then absconded with the surviving twin and two older siblings. Another two year old child drowned in a swimming pool while the mother was at work; the deceased child had bruises on his body. Police placed the deceased child’s older siblings with a grandmother; the children were returned to the mother a few months later.

The fact that a third of the emergency placements in Pelton’s sample were resolved without dependency findings “raise the question of why it was necessary to remove them from their families in the first place or why the problem of concern, such as inadequate housing ... could not have been addressed while the children remained with their parents.” To be fair, there is not enough information regarding these cases in this article to answer this question; though, as Pelton understands, CPS caseworkers must consider the resources at their disposal for safety planning and family support when making placement decisions. Pelton notes that many children placed in Child Haven moved to foster homes or relatives’ homes within a few days or weeks, placement moves which could have been avoided with better planning and with less dependence on an emergency shelter. Pelton faults child welfare caseworkers for a lack of careful attention in the records to children’s placement histories. He believes that many Clark County caseworkers believe “that children are safe once they are in foster care, and that movements within foster care have little bearing on their safety and well being.”

Pelton found a higher percentage of substance abuse (66%) in his sample of 100 cases with subsequent fact finding and disposition hearings. In almost a quarter (23%) of this larger sample, the mother tested positive for methamphetamine or cocaine at delivery; and in half of these cases the baby did not leave the hospital with the mother. In some of these cases, the mother was homeless or lacked stable housing; but in 5 cases, “the meth use was apparently the only reason.” In 34 other cases in which meth or cocaine use was involved children were placed for reasons other than or in addition to the drug use. “These reasons included: the infliction of bruises or burns on children; the arrests of parents on outstanding warrants, lack of resources, lack of stable living arrangements, and/ or homelessness; leaving children alone; domestic violence; filthy homes; and allowing a convicted sex offender to live in the home,” Pelton writes.

In his sample of 34 cases without substance abuse, Pelton found only 3 cases with DV histories; the low rate of DV (9%) in the entire sample of 150 cases is unexpected. Pelton also found surprisingly few cases (3%) involving sexual abuse in the combined sample of 150 cases. On the other hand, “Police were involved in 41% of the combined sample, and arrests were made in 26% of all cases.” Police involvement was far more frequent in the sample of 50 cases resolved after the protective custody hearing (68%) than in the 100 cases with subsequent hearings (28%); Pelton comments that “the implication is that the court and DFS were less likely to see a need for continued protective custody and continuance in foster care in cases in which the police, rather than DFS workers, had removed children.” The extent to which parents whose children were placed out of the home were involved with the criminal justice system and were in and out of jail stands out in this study.

Pelton found two cases of severe physical abuse of children in which he questions decisions not to place children. In these cases, children suffered skull fractures and/ or rib fractures which Pelton believes were almost certainly inflicted by parents; but the parents continued to live in relatives' homes where the children were placed. Pelton comments that "in my experience, actual severe injury to children, and especially evidence of repeated severe injury, is a better predictor of future severe injury than our judgments regarding parents' personal characteristics and conditions, even such as drug use." And he adds, "It is arguable that some of the cases in this study in which children were not placed, or returned to their parents, were more dangerous than many of the cases in which it was decided to place children in order to protect them." Pelton argues for an operational definition of imminent harm which would zero in on cases in which a child has died or been severely injured "under unexplained or suspicious circumstances". There is certainly plenty of cause for concern regarding children's safety in a sample of 150 cases with 5 suspicious child deaths.

Pelton's main purpose, however, is to spell out ways in which involuntary out of home CPS placements can be safely reduced, either through preventive services or different placement criteria. Pelton is opposed to the automatic placement of babies due to positive tox screens; and his view on this subject has become widely shared in child welfare agencies around the country even though it is still not uncommon, as Pelton found in his study, for babies to be placed solely due to a drug test at delivery. Pelton is a strong advocate of housing services for placement prevention; in Pelton's study, 17% of parents in the combined sample were homeless at the time of their child's removal from their custody.

Pelton is furious with the number of cases in which parents were arrested on outstanding warrants unrelated to the safety and well being of children through a chance encounter with police "thus creating a child protection problem" requiring emergency placement. In addition, children of homeless parents were often placed at Child Haven while parents were left to fend for themselves, actions "breathtaking in their insensitivity" to the welfare of children in Pelton's view. He has urged the Director of the Clark County, Nevada public child welfare agency to engage local law enforcement agencies in discussions on this topic; but I would be surprised if a change in law enforcement practice results, given that what Pelton advocates is that law enforcement officers refrain from arresting parents with outstanding warrants if the arrest will result in a child's placement in an emergency shelter or foster care.

Pelton's wish is that far better poverty related preventive services be available to families caught up in child welfare systems; and that these services be utilized to reduce the need for foster homes. Pelton wants child welfare agencies to "hire housing specialists to aggressively find and keep track of appropriate housing units and to match them with appropriate families and, due to low income housing shortages, (agencies) should be willing to pay at least the average cost of rent in their regions." Pelton also advocates for the hiring of placement specialists whose job it would be to find relatives where a child can be placed if need be on the day of removal from the parent's home. What Pelton does not want is a more adequately staffed child welfare system with more foster homes and the same thin array of preventive services. Unfortunately, Pelton does not spell out how more and better poverty related services could be combined with substance abuse and mental health treatment, and DV services, to create a more effective service mix. Curiously, Pelton has nothing to say about family preservation services as currently delivered in child welfare agencies around the country.

Pelton has written one of the few recent articles with a thoughtful and challenging analysis of CPS placement decisions in the scholarly literature. He was only able to do this study because of the support of a juvenile court judge; but this is the kind of careful look at CPS practice which public child welfare agencies should welcome and fund. Most recent studies of CPS placement decisions examine caseworkers' responses to fictional scenarios because of the difficulties researchers encounter in attempting to access child welfare records. A discussion of CPS placement criteria is long overdue; but until there are more careful examinations of CPS decision making "on the ground", a well informed discussion regarding placement practices will be difficult to have.

