

**Decision Making at the Intersection of
Criminal Behavior and Child Maltreatment**

BY

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THESIS

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DEDICATION

This thesis is dedicated to my daughters, Katherine and Emily.

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LIST OF ABBREVIATIONS

AFCARS	Adoption & Foster Care Statistics
ACF	Administration for Children and Families
ACYF	Administration for Children and Families
CFSA	Child and Family Services Agency
CAPTA	The Child Abuse Prevention and Treatment Act
CPS	Child Protective Services
CB	Children's Bureau
CRC	Children's Research Center
CFR	Code of Federal Regulations
DHHS	Department of Health and Human Services
DC	District of Columbia
DME	Decision Making Ecology
IRB	Institutional Review Board
NSCAW	National Survey of Child and Adolescent Well-Being
PI	Program Instruction
SDM	Structural Decision Making Model

SUMMARY

The purpose of this exploratory qualitative study is to understand one aspect of the intersection of the child welfare and criminal justice systems. The study focuses specifically on the effect of the mother's criminal history in the Child Protective Services (CPS) workers' decision to place a child in foster care. This study uses removal from home during the investigative process as an outcome as it is the most intrusive intervention in the family and has serious consequences for a child who is maltreated, the other children in the family, and the parents (Lindsey, 2004; Runyan, Gould, Trost & Loda, 1981; Graham, Dettlaff, Baumann, & Fluke, 2015).

Through a grounded theory analysis of face-to face interviews, this study builds a theoretical understanding of the decision processes used when removing a child from the home using the Decision Making Ecology (DME) to explore the following research questions: (1) Does maternal criminal history influence CPS workers' decision to remove a child? (2) How do workers utilize information about criminal history/behavior to evaluate a mothers' ability to adequately care for her child? (3) Are CPS workers' decisions qualitatively different depending on the kind of criminal history/behavior that is present in the case? (4) Within the context of the other risk factors, how does criminal history/criminal behavior contribute to the CPS workers' threshold for action in the removal decision? (5) How do the organizational and external factors in the agency's contextual environment impact CPS workers' decisions in the evaluation of risk factors, especially that of criminal history?

The findings from this study illustrate that the Decision Making Ecology provided an effective conceptual framework to understand the influences on CPS workers' removal

decisions. However, it is not simply identifying the composition of the different factors that is enlightening, but as this study illustrates, it was the interaction amongst the factors that is important in deconstructing the decision-making process. Understanding that decision-making is situated in a context and that the factors may work together in such a way to promote better decisions, or against them, is critical to deconstructing the process. The DME can be an effective conceptual framework to understanding how decisions are made in specific circumstances which is the first step in improving them. Organizational and external factors shape how CPS workers see families. The DME is a framework that can frame the discussion in agencies and among workers. This work may be important in bringing the act of decision-making and decision sciences outside of the context of a specific family situation. This allows CPS workers, administrators, and external partners to discuss how to improve decision-making in child welfare.

I. INTRODUCTION

The purpose of this exploratory qualitative study is to understand one aspect of the intersection of the child welfare and systems. The study focuses specifically on the effect of the mother's criminal history in the Child Protective Services (CPS) workers' decision to place a child in foster care. This study uses removal from home during the investigative process as an outcome as it is the most intrusive intervention in the family and has serious consequences for a child who is maltreated, the other children in the family, and the parents (Lindsey, 2004; Runyan, Gould, Trost & Loda, 1981; Graham, Dettlaff, Baumann, & Fluke, 2015). The decision to remove a child from his/her family is a monumental one and not well understood (Schwalbe, 2004; Graham et al. 2015). Through a grounded theory analysis of face-to-face interviews, this study builds a theoretical understanding of the decision process used when removing a child from the home within the Decision Making Ecology framework (Baumann, Dalgleish, Fluke & Kern, 2011). Exploring this decision making process is a critical foundation of our capacity to ensure the safety of children and minimize state intrusion in families. This study contributes to the field by describing the factors of a criminal background that contribute to a workers' assessment of child safety and of parents' ability to adequately care for their child.

A. Background

The Children's Bureau reports that in 2013, 1,837,326 children were subjects of child protective service investigations (Children's Bureau, 2015). Of those children, 436,321 were determined to be victims of child maltreatment. Preliminary Adoption and Foster Care Analysis Reporting System data (AFCARS) indicate there were 252,320 children placed in substitute care settings in 2011 due to allegations of abuse and/or neglect. As of September 30, 2011 there were

a total of 400,540 children in substitute care. Nearly half of them, 48% of the children, were placed in foster homes with parents that were unrelated to them (U.S. Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau, 2012).

The determination of child maltreatment occurs during an initial investigatory period. The child protective services worker evaluates information he/she has received from multiple sources. These include interviews with the parents, child(ren), neighbors, school personnel, and other professionals. The worker uses this information to make two different decisions: the first is whether or not maltreatment has occurred and the second is the risk of continued maltreatment. The decision must then be made as to how to best mitigate this risk to ensure the child's safety.

B. Decision Making in Child Welfare

Removing a child from his/her family is one of the most important decisions made by the CPS worker (Runyan et al., 1981; Lindsey, 2004; Schwalbe, 2004). This decision not only involves the child's safety, but also whether or not the risk warrants state intervention into the family. Workers rely on their knowledge, skills, experience, personal history, and judgment in assessing this risk. In this assessment, workers focus their attention on factors specific to the children involved such as age, developmental level and seriousness of injury. Parental factors that are routinely taken into consideration include substance use, domestic violence in the home, and mental health status. In addition to these factors, obtaining a criminal history for each of the parents has become standard procedure in risk assessment protocol. CPS workers interpret information from the criminal justice system to aid in assessing and predicting parental behavior and child safety. The information may be used to predict future parenting behavior including the ability to provide for the child's needs on an ongoing basis and the capacity to make lifestyle

choices that are in the best interest of the child. There is little research into understanding the link between parental criminal history, child safety, and criminal recidivism (Coohey, 2006).

Decision-making is the cornerstone of child welfare. It occurs at many junctures throughout the lifetime of a case in the child welfare system: accepting a case for investigation, substantiation, removal, and reunification. Governmental bodies have passed legislation to guide state and local agencies in setting priorities and limits on how and when the state should intervene in the lives of families. Agency procedures further define and place boundaries on CPS workers' behavior and decision-making (Crea, 2012). However, there are other decisions that are made during an investigation that can impact the outcome of the child welfare system's involvement in the family. One of these is the information that the worker decides to gather and consider in the assessment and decision-making process, the selection of people to interview and the data that are taken into consideration.

C. Risk Assessments

In an effort to increase the quality and consistency of worker decisions, child welfare systems have implemented risk assessment protocols. These protocols involve the adoption of an approach to the assessment of risk and, most frequently, a specific written tool to be completed by the CPS worker with every family. This tool ensures that particular information about the family is collected. The participants in the decision making process may vary as well. In some situations the CPS worker may make the decision by her/himself in consultation with her/his supervisor. In other instances a multidisciplinary professional team may join the worker in making the decision. In still other instances, community members may be involved.

Regardless of the risk assessment approach the goal is twofold, to assess the current family situation and to predict future risk of maltreatment. Three different models of risk

assessment are found in the literature and form the basis of assessment protocols (Gelles & Kim, 2008; CWLA, 2005). In both instances, factors about the family are used in a structured framework in order to make better, more consistent decisions.

The first model applies clinical judgment and expertise to the investigative situation. This theoretical, empirically guided approach, also referred to as a consensus-based approach, assesses risk based on an established set of empirically based risk factors (Shlonsky & Wagner, 2005, CWLA, 2005). These models are based on the theories undergirding the causes of the maltreatment of children. The worker prepares an assessment based the information they have gathered during the investigation combined with their prior professional education, expertise, research findings, clinical judgment, and personal experience Using the information gathered in the assessment, the worker then makes a decision. These kinds of decisions are dependent on the CPS worker having a solid foundation of education and experience as well as the ability to remove the biases, job stress, and other personal characteristics that could possibly interfere with their judgment in the decision making process (Gambrill & Shlonsky, 2001). Although it may be assumed that workers would focus solely on issues relating to the family in their evaluation, Gambrill and Shlonsky (2001) found that workers' decisions about risk for child maltreatment were not only influenced by factors present in the family but also by factors specific to the caseworker such as gender, level of experience in the field, and relationships with supervisors. In response to this, formal standardized risk assessment policies, protocols, and other tools have been developed.

In an attempt to standardize the decision making process and eliminate inconsistencies among workers, a second mechanism to standardize decision-making has been developed. Formal risk assessment tools that combine expert clinical knowledge from the field and the

academic literature are used to aid the caseworker when assessing and interpreting different factors. These instruments, formalized in risk assessment policies, protocols, and tools assist CPS workers in deciding which factors to consider in making decisions (Gelles & Kim, 2008).

The third approach involves using an actuarial risk assessment model as a decision making tool. These models use empirical research to determine a set of risk factors that are statistically predictive of future maltreatment. Risk factors are placed on a scale or matrix from which a score of perceived risk is derived. The presence of a criminal history may be one of the factors included in these models. These models have been extensively researched but the selection and input of information still relies on the worker's judgment (Baumann, D.J, Grigsby, C., Sheets, J., Reid, G., Graham, J.C., Robinson, D., Holoubek, Farris, J., Jeffries, V. & Wang, E 2011).

Discussion concerning the degree to which a parent's criminal history should impact the assessment of risk or the decision-making models is largely absent. It is important that we understand how CPS workers evaluate parental criminal histories and use this information in their decision-making processes involving the placement of children into substitute care. With growing pressure for agencies to improve outcomes for children and families in the face of declining resources, there is a need to better understand the assessment of risk in regards to parental criminal histories.

There are many commonalities in the risk factors for child maltreatment, criminal arrest and incarceration. The parental characteristics most often used in safety and risk assessments, mental illness, domestic violence, and substance abuse, are characteristics often shared with people who are involved in the criminal justice system (English, Marshall, & Orme, 1999; Marshall & English, 1999). Taking into consideration this overlap, it is not surprising that many

of the parents involved in the child welfare system are also involved in the criminal justice system. The degree of this overlap is not readily apparent or easily measured. Officials in the criminal justice system do not routinely keep records of offenders' children. Child welfare authorities do not systematically document parent criminal activity (Phillips, Burns, Wagner, & Barth, 2004; Phillips & Dettlaff, 2007; Phillips, Erkanli, Costello, & Angold, 2007).

We do not have a good description or understanding of the families that are dually involved in these systems. At best, information documenting families' involvement in these systems can be found in two separate national surveys. It is estimated that one in eight children who are the subjects of a maltreatment report have a parent who was recently incarcerated (Phillips et al., 2004), one in three children who are subjects of a report but were not placed in substitute care reside with a parent who had a history of arrests (Phillips & Dettlaff, 2007), and it is estimated that about 11% of mothers and fathers who are incarcerated have children that reside in foster care (Glaze & Maruschak, 2008).

We understand that families' dual involvement can be a result of the commonality of risk factors, but we must also consider how much of the dual involvement occurs because of one system's impact on the other. In one instance, Seymour (1998) suggests the possibility that the arrest and subsequent incarceration of parents' could result in those children coming to the attention of the child welfare system. In the other instance, many agencies use structured decision making models and assessment tools that require CPS workers to obtain and document the parents' criminal history. This criminal history becomes one of the factors considered in the workers' decision-making process (Rossi, Schuerman, & Budde, 1999; Davidson-Arad, 2001). It is not clear how this criminal history is assessed, understood, and placed in the context of future risk and safety of the child. Other than crimes specifically against children, there are not

frameworks or models linking criminal behavior with parental capacity or the risk of future child maltreatment. Frequently CPS policies do not distinguish between types of crimes and/or the length of parental incarceration.

It is important that we understand what characteristics of a parents' criminal history impact and influence CPS workers' decision-making. A number of issues arise when we consider how CPS workers evaluate parental criminal histories and use this information in their decision making processes involving the placement of children in substitute care. Is it the specifics of the parent's criminal history, such as the number of arrests or specific crimes, that influence the worker or is it simply the presence of that history that shapes the workers' perception? What is the relationship between criminality and assessment of parenting ability? What conclusions do CPS workers draw about the ability to keep children safe and the risk for further maltreatment from the parents' criminal history?

The evaluation of criminal history appears to (be two-pronged. CPS workers must first understand how the criminal history impacts the parent's ability to provide a safe home environment for the child at the time of the investigation. They must then decide whether the criminal history itself is indicative of other serious clinical concerns, such as poor judgment, anger management issues, and/or lack of impulse control that may affect the safety of the child. We must consider the intersection between child welfare policy, the CPS workers' assessment, and the ecology of the larger child welfare system in the decision making process of removing children from their families.

This intersectionality between the child welfare and the criminal justice systems is an aspect of child welfare investigative decision making that is not well defined or understood. CPS workers interpret information from the criminal justice system to aid in assessing and predicting

parental behavior and child safety. The information may be used to predict future parenting behavior, ability to provide for the child's needs on an ongoing basis, and the ability of parents to make lifestyle decisions that are in the best interest of their child. There is little research in understanding the link between parental criminal history, child safety, and criminal recidivism.

As we begin to understand the trauma caused by placement in foster care, it is important to better understand the decision making process used by CPS workers when removing children from their families (Cook, Spinazzola, Ford, Lanktree, Blaustein, Cloitre, DeRosa, Hubbard, Kagan, Liautaud, Mallah, Olafson & van der Kolk, 2005). We need to deepen our understanding of the factors that contribute to the assessment of safety and risk in these decisions. This study explores whether parental criminal history plays a role in this decision making process and explores whether the external environment, agency policies about the collection and assessment of criminal records, and workers' biases about those who commit crimes influence the impact of criminal behavior in the assessment process. It provides a context to understand how criminal behavior impacts the decision to remove a child from home.

D. Conceptual Framework of the Study

The notion of rational decision-making has roots in the Age of Reason, over three hundred years ago (Baumann et al., 2011). Since then, much research has been done to understand the factors involved in decision-making, yet few theories have been presented to explain the process. Historically, focus has often been on the search for those distinct case variables that could directly predict maltreatment or the development of an assessment tool that could guide CPS workers in making decisions that drastically eliminated the possibility of child maltreatment in identified cases.

The Decision Making Ecology framework (DME) brings to bear the knowledge from the decision-making sciences to the field of child welfare (Baumann et. al, 2011; Baumann et al., 2013; Fluke et al., 2014). It recognizes the unique environment of child welfare and it has been applied to different kinds of decisions in the field, i.e. the substantiation decision and the decision to remove children from their homes (Dettlaff, Rivaux, Baumann, Fluke, Rycraft, & James, 2011; Fluke, Chabor, Fallon, MacLaurin, & Blackstock, 2010; Baumann, Fluke, & Casillas, 2012). The DME places decisions made by CPS workers in a protective service agency environment, understanding that decisions are made in a context where case factors, organizational factors, external factors, and decision maker factors all contribute to the decision making process. In this framework, the sequence of decisions made by workers in the agency is called the Decision Making Continuum (Baumann, et al., 2011; Baumann et al., 2013; Fluke et al., 2014).

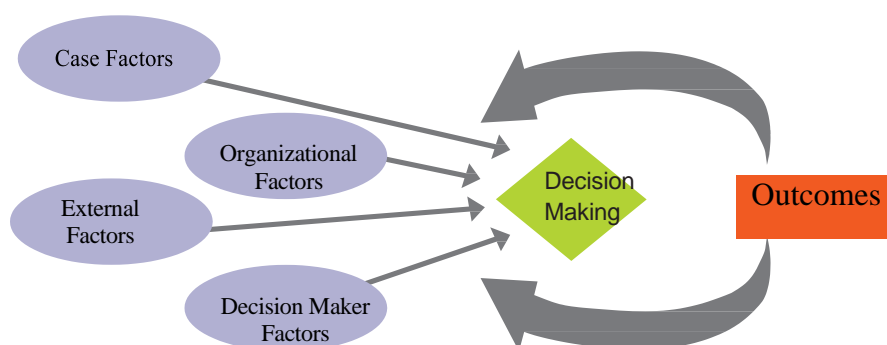


Figure 1: Decision Making Ecology Framework (Baumann, et al. 2011, p. 5)

Used by permission from the American Humane Association

A theoretical framework of the psychological process of decision-making is integrated into the DME. A model proposed by Dalglish (2003), the General Assessment and Decision-Making Model (GADM), separates the assessment from the decision in a particular situation. The factors that influence the assessment process are different from those that impact decision-making. GADM distinguishes the workers' capacity to detect the need to take action from their willingness to take action (Baumann, Fluke & Dettlaff, 2012). The threshold for action is the point at which the decision maker is willing to take action based on the information collected in the assessment process (Dalglish, 2000; Baumann, et al., 2012; Baumann et al., 2013; Fluke et al., 2014). CPS workers may agree on the assessment of the family but disagree as to what action should be taken, i.e. placement of child into foster care.

The decision to place a child in substitute care is made in an atmosphere of uncertainty and is highly subjected to the threshold of action of the decision makers involved (Swets, 2000; Baumann et al., 2012). In this study the decision-making ecology framework will be used as the conceptual framework to explore how CPS workers consider parental criminal histories in making placement decisions.

E. Rationale for Qualitative Methods

The intention of qualitative research is to represent the complex world of the participants. The subjective meaning and dynamic reality is captured through the engagement and representation of this world (Padgett, 2008). The researcher becomes an instrument of data collection and seeks to understand and explain the participant's meaning and understanding of a particular event or situation (Morrow & Smith, 2000; Padgett, 2008). A complex, dynamic, and holistic representation of the views of the participants is captured in such a way to bring increased understanding to the phenomenon of study. Decisions in child welfare practice occur

throughout the investigative process. It is important to understand this processes and be able to explain the meaning the worker assigns to the factors that influence the decision making process as it occurred. Research in this area must elicit tacit knowledge of the process as well as subjective understanding and interpretation.

The decision-making ecology has identified groups of variables that are believed to be important. However, the literature has not identified those variables specific to evaluating the impact of parental criminal history on the decision making process (Marshall & Rossman, 2011). The complex interaction of factors that form the basis for decision making in child welfare is still very much a nascent field. Qualitative methodology privileges the lived experience of the participants. Exploring and understanding the context in which the worker makes the placement decision is crucial in understanding how the ecological factors impinge on that process.

Using grounded theory as the core methodology, the proposed exploratory study is an analysis of a series of face-to-face, intensive, and structured interviews with CPS workers currently working for the child welfare agency in the District of Columbia, Child and Family Services Agency (CFSA) (Everitt, 1998; Glasser & Strauss, 1967). As much is not known about how criminal history is used in decision-making, an exploratory, qualitative research method will allow for the richer understanding of child welfare practice and provide a basis for future research (Creswell, 2012). The intensive interview allows for the exploration of a particular topic and the ability to request more complex answers to posed questions (Charmaz, 2006; Knox & Burkard, 2009).

This methodology used in this study is described as grounded theory as themes were allowed to emerge from the data. However, it must be noted that the data were approached with defined research questions and a conceptual framework in mind (Saldaña, 2013; Miles,

Huberman & Saldaña, 2014). Although the DME describes four categories of factors that influence decision making, the initial coding analysis was conducted without initial codes in order to allow the categories to emerge from the data. This initial coding analysis was followed by axial coding where meta-codes emerged that were consistent with the DME.

Using a “think out loud” approach, CPS workers responded to a series of three vignettes. They made a removal decision based on the information in the vignette and then talked through their assessment process identifying the risk and safety factors that supported their decision.

The vignettes mirrored the three subtypes of criminal histories identified in a prior study analyzing data from the National Survey of Child and Adolescent Well-Being (NSCAW) data: (1) mothers with more extensive arrest histories, (2) mothers with criminal histories in the past, and (3) mothers who were relatively older when they were first arrested (Phillips & Erkanli, 2008). The vignettes provided stimuli that were similar to cases that are seen in routinely in the District of Columbia (Weisman & Brosgole, 1994 in Hughes & Huby, 2001).

The interviews provided an avenue to discover and understand the decision- making dynamics and variables as to they relate to the parental criminal history in the decision to place a child in substitute care. The study discovered themes and patterns of CPS workers’ decision-making processes in order to build an initial understanding of the ecological system in which a CPS worker considers parental criminal history in removing the child from the family (Strauss & Corbin, 1998; Strauss, 1987).

F. Personal Values

In qualitative work, it is necessary to have particular knowledge and skills because the researcher becomes the data collection tool (Padgett, 2008; Gilgun, 2011). Researchers also bring their own personal values, worldviews, paradigms, and sets of beliefs to the study. These

inform the design, conduct, and interpretation of the work (Creswell, 2007). I have over twenty years of experience working with children and families in both the public and private sectors of field of child welfare. I am a former Illinois Department of Children and Family Services case manager and former supervisor of casework, licensing, and adoption teams. I was the director of child welfare at a private agency that provided a continuum of child welfare services from group care to community prevention services. I am a licensed clinical social worker in Illinois and in the District of Columbia and have had much experience in the safety and risk assessment of children. My philosophical worldview in child welfare work emphasizes the importance of family in the care of children and posed a unique frame of reference as well as challenges in conducting the interviews and in the data analysis process. The theoretical sensitivity gained into the research process from my professional experience enhanced my ability to engage more readily with the interview participants and in the data analysis while at the same time it was necessary to bracket my judgment as an administrator or supervisor so as to be open to the experiences being shared by the participants (Glaser, 1978; Luckerhoff & Guillemette, 2011; Strauss & Corbin, 1998).

G. Research Questions

Through a series of face-to-face individual interviews with CPS workers, this study addresses the following research questions:

RQ1: Does maternal criminal history influence CPS workers' decision to remove a child?

RQ2: How do workers utilize information about criminal history/behavior to evaluate a mothers' ability to adequately care for her child?

RQ3: Are CPS workers' decisions qualitatively different depending of the kind of criminal history/behavior that is present in the case?

RQ 4: Within the context of the other risk factors, how does criminal history/criminal behavior contribute to the CPS workers' threshold for action in the removal decision?

RQ5: How do the organizational and external factors in the agency's contextual environment impact CPS workers' decisions in the evaluation of risk factors, especially that of criminal history?

II. LITERATURE REVIEW

A CPS workers' decision to remove a child from their home has been well researched but continues to not be understood very well (Lindsey, 2004). The decision is somewhat predictable with many factors influencing the decision-making process, but what is more difficult and what what remains elusive is determining which of these factors is most important and in which cases (Rossi, Schuerman, & Budde, 1999). Competing values about child rearing practices, racism, and lack of knowledge about a particular culture can distort decision-making (Munro, 2002). Mansell, Ota, Erasmus, & Marks (2011) posit that managing wicked decisions, reactive responses to perceived system failures, and organizational fragility through constant chaotic instability also are challenges facing the child welfare system and influence and impact CPS decision-making. Much about CPS workers' decision-making continues to be inconsistent (Gold, Benbenishty & Osmo, 2001) and unexplained (Rossi et. al, 1999). Worker accountability, inability to manage and predict demand for services, inability to respond to political criticism for not being responsive enough in the instances of severe child maltreatment and child deaths, system reform, continued class action lawsuits, and resulting consent decrees make CPS workers accountable to outside authorities for their decisions (Mansell, 2006).

The foundation for this study consists of disparate bodies of literature that together provide a scaffold for understanding decision-making regarding parental criminal history in child welfare. As little attention has been focused on the intersection and impact of parental criminal history on the investigative process, knowledge from relevant, but at times somewhat ancillary, subjects is brought together here. Since its inception, child welfare has been concerned with the safety and best interests of children (Stein, Gamrill, & Wiltse. 1978). However, what continues

to be investigated is how those decisions are made and how parental criminal history impacts the CPS workers' decision to remove.

The history of the development of system models of decision-making in child welfare provides a sense of history and context. Risk assessment instruments were developed to structure the information collected and estimate the likelihood of future harm to ensure children's safety (Wald & Woolverton, 1990). These tools influence the usage of criminal history information in investigations. Understanding the impact of parental criminal behavior necessitates the understanding of the accuracy and maintenance of the records of criminality, the relevant federal and state legislative policies, and how parent criminality has been seen to impact the assessment of risk.

Decision sciences in fields outside of child welfare affords insight into the heuristics and biases that affect CPS workers as they discriminate among many sources of information. Knowledge of these influences is particularly important in understanding how the field of child welfare tolerates errors in decision-making, the thresholds at which a removal decision is made, and undergirds the development of the Decision-making Ecology Framework (Swets, 2000; Dalglish, 2003; Baumann et. al, 2011). Each of these areas will be explored in this literature review.

A. System Models of Observed Decision Making in Child Welfare

1. Philosophical Underpinnings

Since the late 1800's when the first juvenile court was established, judicial decisions about the welfare of children have been based on the concept of acting in the child's best interest. This concept represents the humanitarian interests of the society for its children. It is a philosophical position that is held in the same esteem as other American values as an

individual's right to self-determination. Rarely do philosophical positions make good frameworks for action. They may create difficulties when we forget that they are ideals and we act as though they represent goals that are within our reach.

The legislative definition of maltreatment has always reflected social morality. Historically, maltreatment laws have related to the moral conduct of the parents. The power of the state to intervene in family life has been used at times to reinforce the dominant society's view of public morality rather than a strict understanding of child maltreatment. Because of this moralist underpinning of maltreatment legislation, it becomes difficult to establish accountability for the decisions that are made and the services provided to families. In the move to ensure that children have equal access to services it becomes critical to examine the process of decision-making in the child welfare system. It is important that we continually attempt to ground the state's intervention in a family in a scientific framework (Stein, Gamrill, & Wiltze, 1978).

2. Historical Influences

The field of child welfare has been concerned with the process of decision-making since the 1950's. Early researchers sought to identify variables that influence decision-making and develop mechanisms to guide CPS workers in this process. As early as 1959, Wolins proposed that the field needed criteria to make placement decisions (Wolins in Stein, Gambrill, & Wiltze, 1978). Fanshel (1962) defined a number of decision-making tasks as "choice points" that create junctures for research. Mech (1970) noted in 1970 that there was not a framework for decision-making in the literature.

a. Early identification of Perceived Risk Factors.

There was also the need to understand the particular items used by workers in making initial substitute care placement decisions. Boehm (1962) asked CPS workers to consider their

cases and identify the criteria upon which they made their decisions. Finding that workers evaluated families against a conception of an ideal family and parenting, Boehm (1962) asked that workers make lists of the evaluative factors that they used in distinguishing between children who were placed in substitute care and those that were left in the custody of their parents. From this work, she identified 12 different, discrete behavior dimensions; four concerned maternal behavior, four concerned paternal behavior, two focused on the child, one on household management and the last one concerned the amount of insight a family had into their situation. In a subsequent study Boehm (1967) evaluated one hundred placement and one hundred non-placement cases using this 12-point criterion. She found that the significant difference between the two groups was families, where children had been placed out of the home, had lower scores in every maternal behavioral dimension. They also scored lower on the items of household management and insight. The factors pertaining to child behavior did not appear to have an effect. She concluded that placement decisions are primarily based on the assessment of maternal care. Kadushin (1974) also reported that the concern with maternal pathology was the element most frequently cited as the reason for removal. Phillips et al., (1971) did not find one significant factor or combination of factors that could point directly to the placement decision, but they did find that when a father was present in the home, the variables that related to his behavior were the single most important factor.

1) Community Resources

The availability of community resources was also found to influence worker's decisions. Shyne (1971) asked workers to describe their ideal decision for 1260 cases. She compared these decisions to the actual decisions made in each situation. The congruence between the ideal and actual decisions varied, but decisions were affected by the availability of resources in the

community. In a study to consider whether change had occurred in families where children had been placed in substitute care, Jenkins and Sauber (1966) found that 17% of the placements could have been prevented had there been adequate community resources. Brieland et al., (1968) found that decisions about the safety of children made by other community service workers, who have labeled the families problematic before the referral is made to protective services, influence decision-making as well.

2) *Organizational Factors*

There were mixed understandings of the role that organizational factors play. Pascoe (1974) reviewed seven foster care studies in California and reported that children would be returned to their families or adopted more quickly if the agency were better organized and caseload sizes were reduced. The California's Department of *Health's Comprehensive Annual Services Program Plan: Title XX* (1975-1976) asserted that reduced caseloads and better agency organization would not lead to more timely changes in children's foster care placement even if empirical evidence could be generated to indicate such a relationship, fiscal constraints made its implementation prohibitive.

As illustrated historically, there are two distinct but yet very much interconnected fields of study in child welfare decision-making; one theme is to situate certain variables in a framework whose goal is to better understand the decision-making process. The other is to isolate and understand the contribution made by the individual variables.

"The child welfare worker is viewed as one segment of a complex system that includes the community, the public welfare bureaucracy, and the juvenile court. The worker's position in this system creates dilemmas. He or she is admonished to act in the best interests of the child while lacking the knowledge base to do so. Decisions are required that demand greater knowledge than is actually available. He or she is told to provide services to biological parents and to engage in long-range planning, yet supportive mechanisms, such as clear agency objectives and procedures, in-service training, legal

consultation, and supporting incentives are not supplied; nor is his or her work carefully monitored and feedback offered “(Stein, Gambrill & Wiltse, 1978, p. 23).

B. Structures and Systems of Decision Making

As decisions in child welfare are important in determining the safety and well-being of children, researchers have created decision-making frameworks to assist caseworkers in making better decisions. In this section early frameworks are described.

1. Early Decision Making Frameworks

In creating one of the first empirically tested decision-making frameworks in the field, Stein and Rzepnicki (1983; 1984) conceptualized decision-making as a three-stage process. In considering this framework its place in the historical context of child welfare, one take into consideration that the some of the principles may be different from what we find in current child welfare practice. This model points out the need for specific interview formats and frameworks for gathering information. It stresses the need for standards of care on which to base removal decisions. It is prescience regarding the statutory language regarding minimum parenting standards and the repudiation against removing children from their homes simply because of poverty.

The first step is to gather information sorting using specific criteria that sorts by its relevancy. The relevant information is then placed in categories that are weighted according to their significance in making the decision at hand. The final step was to apply established rules that will guide the use of the information in decision-making. If the rules were not sufficient to make a sound decision, professional judgment would need to be applied to the situation (Stein & Rzepnicki, 1983; 1984).

The criteria and rules for organizing the data into categories, the second step of the process, is an important step as it defines what information will be taken into account in the decision-making process. Stein and Rzepnicki (1983; 1984) based the categories on three different sources: the professional values and standards that underpin child welfare practice, statutory law the guides state intervention into the family, and the child welfare agency's policies.

The best interest of the child is the preeminent value in child welfare practice. This elusive standard refers to the deliberations that occur in deciding what services, actions – including removal, are needed in the care of a specific child (Child Welfare Information Gateway, 2012). At times this standard can pit the interests of the family against those of the child. Beyond the conceptualization of minimum parenting standards, there isn't any consensus as to definition of the best interest of the child. In a survey of all of the states' statutes, the Child Welfare Information Gateway (2012) lists five guiding principles and five factors that are used by different jurisdictions throughout the country. The best interest standard is not useful in making predictions of risk and safety (Stein & Rzepnicki, 1983; 1984).

State statutory law may be ambiguous and vague in defining abuse and neglect. It often offers little guidance to child welfare workers or judges in making critical decisions. Defining certain forms of maltreatment, such as emotional abuse and excessive physical discipline, continues to be problematic.

The third source for criteria and rules in this early framework are agency policies. Agency policy should provide guidance in making critical decisions. At the time, Stein and Rzepnicki (1984) felt that agency policies could be vague regarding agency philosophy and goals as to provide little guidance for staff.

At the same time that Stein and Rzepnicki (1984) recommended that CPS workers gather all of the information possible on the family including information that has been gathered from other sources, i.e. psychological tests, psychiatric examinations, and court reports, the authors pointed out that many professional judgments were made using limited information. They found that CPS workers gathered excessive amounts of data but fail to use it.

2. Use of Information in Decision Making

There has been other research about how caseworkers use information that they have gathered about a family. Wolins (1963) found in studying the process by which foster parents are selected that the reliability across workers was dependent on the amount of information that they were provided in making the decision. In making decisions, the agreement between workers was poor when they were provided with the full case record. When they were only given that part of the record that was considered most important to making the selection, there was more reliability. In another study, Stein (1974) analyzed 68 interviews that were completed by ten workers in a public child welfare setting. He found that between 59 and 78% of the information that the workers gathered was not relevant to making a placement decision. This same phenomenon was found in a mental health center when workers were working with parents involved in the child welfare system. Golan (1969) found that workers gathered too much information that was inconsistent and much of it was superfluous to the decision-making process. Critical information needed to make the decision was omitted. Having information to make decisions is important. However it must be relevant to the decision at hand and not be in such quantity that its significance is lost.

Stein and Rzepnicki (1984) emphasize the two philosophical tenets that underpin their model: minimum parenting standards and keeping the children with the family through providing

services to the family in the home. The importance placed on the family reinforces the societal value on the right for parents to raise their children without state intervention. This emphasis on the family, rather than the child, may compel the worker to make different choices than would be made if the work focused solely on the child's well being. The model is descriptive in that it describes systemic goals, key processes, and information domains situated in four contextual environments: decision, social, professional and program (see figure 2 for a reproduction of Stein and Rzepnicki's (1984) proposed model).

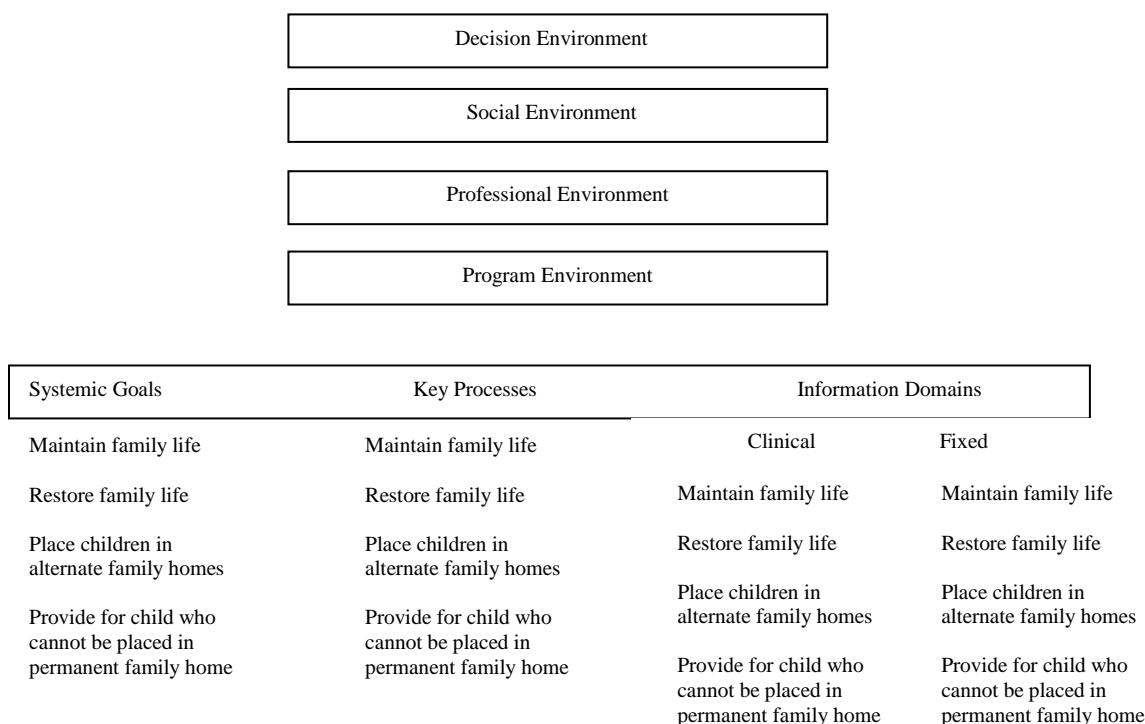


Figure 2: Early Decision Making Framework (Stein & Rzepnicki, 1984, p.36)

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Stein and Rzepnicki (1984) then designed a series of flow charts that depict specific decision points and options available. A series of more detailed checklists where the worker indicates whether a specific event has occurred or is occurring in the family followed this flow chart. The objective of the framework is a mechanism to categorize the wealth of information gathered by CPS workers into a systematic process for making decisions based on the value of the primacy of keeping children with their biological families and being mindful of the level of intrusion that results when the state intervenes in the family.

In a secondary analysis of the data collected by Stein and Rzepnicki (1984), Gleeson (1987) looked at how much structured decision-making protocols were used considering worker,

client, and case characteristics. Workers with social work degrees, initial training in assessment and diagnosis, experience in adoption and foster care were more likely to use the structured decision-making protocols. The more experience with doing intake work, the less workers used the protocol. Workers tended to use the structured decision-making protocol when they did not have previous experience with the family and the situation was viewed as risky to the child and that the resources available to the family were limited. An orientation document for the newly hired worker and a reference manual for the more seasoned worker were recommended (Gleeson, 1987).

3. Manualized Decision Making.

Wells (1985) published an interactive manual for training CPS workers to assist them in decision-making. The manual begins by providing a series of case vignettes and pictures to assist workers in evaluating their assessment and decision-making skills. Four factors influence how workers perceive and judge a situation: skills in observation, knowledge, values, and habits of information processing.

Wells' (1985) model considers three decision points: the initial risk assessment, the confirmation (substantiation) decision, and the determination of the necessary level of intervention into the family. In the initial assessment process, following a determination of the priority level of the report (categorized based on the seriousness of the allegation), the model consists of checklists that detail critical information regarding characteristics of the child, the incident, parental characteristics, family stressors, the physical environment, community resources, and agency policies, procedures and environment. In each of these categories, there are lists of conditions that outline pertinent information to be taken into consideration when

making a decision. The worker must make a dichotomous choice as to whether each item exists. The lists are detailed enough to be a form of a psychosocial assessment.

The second level of risk assessment in Wells' model is the decision point of case confirmation. The goal here is to cull through the gathered information and decide how to weigh and interpret it. Each item that was found to exist in the checklist is then rated on a five-point scale from low to high risk. Three summary scales are completed after all of the information has been gathered, observations are completed, and the prior checklists have been finished. These are also on a five-point scale ranging from low to high risk. The first two summarize the maltreatment that has occurred (one for abuse and the other for neglect). The third set of scales focus on parental/caretaker factors; such things as the capacity of the caretaker to provide for the child's daily needs, knowledge of child development, social and financial resources, cooperation with the agency, and the ability to protect the child from future harm. Wells cautions that although the scales can be used as guidelines for decision-making, they cannot be used as definite predictors of maltreatment. The instrument is useful in guiding workers' thinking, drawing attention to critical assessment areas, and in summarizing pertinent information (Wells, 1985).

The final decision point is that of level of intervention. It is at this stage where placement in substitute care is made. Wells (1985) cautions that it is in this stage where the workers' values are most likely to influence decision-making especially in cases where a family may struggle to adequately care for a child due to poverty. She also cautions that the worker must adhere to the legislative guidelines (Adoption Assistance and Child Welfare Act of 1980) by making reasonable efforts to locate resources for the family so as to avoid an out of home placement for the child.

4. Errors in Decision Making

Munro (2005) looks at decision making from a different perspective and developed a model of improving child protection services by examining errors. She conceptualized the errors in decision making as a systems problem rather than an individual one. When an accident occurs, rather than focusing on how an individual may have been at fault, engineers in other technical fields look to designing and modifying systems so that the tasks that are expected of workers lead to more successful outcomes. Munro (2005) applies this same principle to the investigations that occur in child welfare systems when a child dies. Traditional investigations into errors made in the child welfare field usually conclude when a professional is identified to blame. Munro (2005) hypothesized that because public money funds service to protect children, society feels at liberty to hold individual professionals accountable and responsibility for the tragedy.

Munro (2005) found that this traditional mechanism of error investigation has not lead to improvements in children's safety or well-being. Services had become increasingly focused on investigations to prevent serious injuries and death. There had been little emphasis placed on prevention efforts. Staff recruitment and retention was problematic as child welfare work continued to lose stature in the social work professional community. Munro (2005) found that poor practice was more often the norm rather than the exception.

a. Systems Level Error Investigation

Munro (2005) shifted her focus to a systems level investigation that she believed is a better mechanism to lessen the probability of individual caseworker error. She designed a model of three components: individual factors, resources and constraints, and organizational culture

(Munro, 2005). She defined individual factors as the knowledge and skills that workers bring to the position, workers' emotional wisdom, and their psychological health.

In the second category, the area of resources and constraints, she found that the usage of manuals, information processing tools, and risk assessment instruments have transformed the way child welfare work is done. However, the manuals and tools are not consistently used as designed. Even with the use of manuals, instruments, and tools, there continues to be a reliance on individual factors, as the completion of the tools requires the worker's knowledge and skill. (English & Pecora, 1994; Lyle & Graham, 2000).

Munro (2005) postulated that the dichotomous view of human reasoning (such as described above by Kahneman, 2003, 2012) might be a reason behind the instruments not being useful to the front line workers. The tools are developed to build on analytic, System 2, reasoning whereas workers have indicated that they prefer using intuitive, System 1, reasoning. Munro (2005), citing Hammond (1996) opined that rather than dichotomous structures, human reasoning can be thought of on a continuum on which the worker travels depending on the task at hand. Munro (2005) recommended designing tools for workers should take this element of human reasoning into consideration as well as the time required to complete the proposed instrument.

On the third level, the organizational context, workers often find themselves in a position that may put them between supporting families and protecting children, balancing the rights of families with those of children. Maintaining this balance as well as meeting the often conflicting demands of the paperwork involved in meeting performance indicators and seeing children creates a context where individual errors may occur (Munro, 2005).

C. Risk Assessment Tools

One of the main goals of the child welfare system is the timely, appropriate, and accurate identification of children who have been maltreated. The purpose of risk assessment is to estimate the likelihood of the amount of harm that might occur in the future (Wald & Woolverton, 1990). Risk and safety assessments are distinct exercises but are very much influenced by each other as one mechanism of prediction of future behavior is past behavior (Munro, 2002).

Clinical judgment and decision-making is based on observations, information gathered, and the intuitive judgment of the worker (Shlonsky & Wagner, 2005). This method of decision-making relies on the CPS workers' ability to understand and incorporate the gathered information, use theoretical, empirical, procedural, and personal knowledge, professional training, and practice wisdom to make a decision. The agency and political environment also have an effect on the workers' judgment (Kim et. al, 2008).

Risk assessment tools have been developed to skirt the deficits in clinical decision-making. Two types are used in child welfare: consensus based and empirical (actuarial) models (Baird & Wagner, 2000; Baumann, et al, 2005; Baumann et al, 2011). Consensus based and empirical models are categories of risk assessment tools. The purpose of these tools is to predict maltreatment. They do not assist in making clinical decisions, developing case plans and goals, selecting treatment interventions, or engaging the family (Shlonsky & Wagner, 2005). Risk assessment instruments are comprised of lists of caregiver and child characteristics, maltreatment specifics, and environmental factors that have been found to predict an initial or recurrent incident of maltreatment (Gambrill & Shlonsky, 2001).

Consensus models are based on certain caregiver, child, and maltreatment characteristics that have been selected and agreed upon by a group of experts to predict risk of maltreatment. These models are used as assessment parameters combined with the CPS workers' clinical judgment to predict future maltreatment (Baird & Wagner, 2000; Kim et al., 2008).

Empirical models are constructed using studies of child abuse cases and future maltreatment outcomes. Case characteristics that are strongly associated with maltreatment are identified in a tool with which workers use to determine a risk score for unique family situations (Baird & Wagner, 2000). The goal is to improve the prediction of future maltreatment thereby improving the clinical risk assessment each worker performs (Children's Research Center, 1999). In comparison to consensus models, empirical models were shown to have higher inter-rater reliability and far better estimates of future maltreatment and discriminate levels of risk (Shlonsky & Wagner, 2005).

Empirical models have the same psychometric properties of actuarial models including reliability, content validity, predictive validity and the ability to provide feedback. There are two kinds of empirical models; those tools that provide a worker with a score or risk pattern as a method of feedback that is then included in a larger assessment process. The other form of tool makes the determination for the worker. This latter tool is most generally referred to as an actuarial model (Baumann et al., 2011).

Predictive and contextual assessments are combined in the Structured Decision Making Model (SDM) (Gambrill & Shlonsky, 2005). The SDM is an empirically based decision-making model that is based on two issues: caseworker decision-making and agency resources. It is built on four principles: improved decisions are made when workers consider specific criteria in a structured manner in every case; cases are given priority based on this assessment process, all

agency decisions, i.e. resource acquisition and budgeting are supported by this assessment process; and that one model cannot work in every context. The SDM has four components, one of which is a collection of tools to help in caseworker decision-making. These unique tools are used at different decision points along a defined continuum: "...response priority assessment, safety assessment, risk assessment, risk reassessment, and ...reunification" (SDM, 2008, p.5).

The actuarial risk assessment instruments have been shown to make better predictions than clinical decisions (Grove & Meehl, 1996; Wald & Woolverton, 1990), but still suffer from significant reliability and validity concerns (Gambrill & Shlonsky, 2001): differing definitions of maltreatment, use of substantiation as a indicator of maltreatment recurrence (Drake, 1996; Wolock, Sherman, & Feldman, Metzger, 2001; English, Marshall & Orme, 1999), the point in time that the instrument is used (Camasso & Jagannathan, 2000) and effective implementation (Gambrill & Shlonsky, 2001).

Risk assessment tools are one of the main mechanisms that the child welfare system has used in the attempt to ensure safety and to be better able to predict risk of future maltreatment. These instruments ask the worker to evaluate variables individually generating a score that is then used to predict risk (Gambrill & Shlonsky, 2001). These scores do not take into consideration the interaction between the identified variables, the workers' engagement with the family, and the ecological context in which the decisions take place. Criminal history is not an element included on the tool. These risk assessment tools only comprise a portion of the decision-making process. This study will consider the role of parental criminal history by in analyzing the case narratives within the ecological context in which they are situated.

D. Parental Criminal Behavior

Given that many of the risk factors for child maltreatment are also related to those of being arrested (e.g., mental illness, poverty, family violence, substance abuse) one would presume some commonality between the families who are involved both in the child welfare and with the criminal justice systems. Although the child welfare system routinely collects parental criminal history records, the criminal justice system (e.g. prisons, probation and law enforcement officers) does not track information regarding offender's families. It is unclear how (or if) decisions about the safety of children made in one system impact those in the other (Phillips, Dettlaff & Baldwin, 2009).

Currently, the only mechanism available to estimate how many families are involved in both systems can be found in two surveys: a survey of a representative national sample of children who were maltreated and the other based on a representative sample of people incarcerated in State and Federal prisons. Approximately one in eight children who have been reported for maltreatment has a parent who has been arrested recently (Phillips et al., 2004), one in three of the children who remain at home following a report of maltreatment reside with a primary caretaker that has an arrest history (Phillips & Dettlaff, 2007), and approximately 2% of fathers and 11% of mothers that are in prison have children in the foster care system (Glaze & Maruschak, 2008). Parental arrest and incarceration are one way in which children may enter into foster care (Seymour, 1998). A study of children in the general population found that 1.6% of them had parents who had been arrested compared with 4.1% of those that had been in foster care (Phillips et al., 2007).

Administrative data that identifies the children that both systems have in common overlook how the information from the criminal justice system influences decisions in the child welfare system. Discussion of this intersection specifically occurs in the following four studies.

In a study looking at the high rates of placement of Aboriginal children in the child welfare system, in a sample of 2,891 families, using administrative data, Trocmé et al. (2004) found that this disproportionality was statistically explained by the socioeconomic, child, parent, and maltreatment characteristics of the case. The study found that 10% more Aboriginal children were removed during the investigation process as compared to 4.6% of Caucasian children. This number increased to 25% for Aboriginal children when cases where placement was being considered were taking into consideration. Less than 11% of Caucasian children were considered at risk for placement.

Seven parent characteristics, one of which was criminal activity, were considered as dichotomous variables. Criminal activity was statistically more prevalent among the Aboriginal than the Caucasian parents. The odds of being removed from the home were statistically significantly higher when the parents had either suspected or confirmed criminal activity, cognitive impairment, alcohol concerns, or a parental childhood history of maltreatment. All characteristics with the exception of parental cognitive impairment have similar effects on the odds of being removed (Trocmé et al., 2004).

The second study, Coohey (2006) looked at CPS workers predictions of recidivism over a two-year period where the father had been the identified perpetrator of the maltreatment. Using a case comparison design with a sample of 137 Caucasian families, factors identified as predicting recidivism were compared with factors that were identified by the workers as being predictive of higher risk. At a statistically significant level, the analysis found that the

investigators found cases were at higher risk when the father had been arrested in the past. The statistical analysis found that the mothers' history of criminal activity was important although it was not identified per se by the workers. Individually both the mothers' and fathers' history of arrest was related to recurrence of maltreatment.

Through the completion of three questionnaires (detailing parental characteristics, Shye's Systemic Quality of Life Questionnaire, and child injuries) in the third study Davidson-Arad examined Israeli CPS workers removal decisions looking at the associations between these decisions and the characteristics of the parents. A nationwide group of 194 workers were asked to complete all three of the questionnaires on two children with whom they had investigated; one that remained at home and the other that was removed. The Shye Systemic Quality of Life questionnaire measured the CPS workers' assessment of the extent to which the parents provided for the quality of life for their children in four domains: psychological, physical, social and cultural. The ability of the parents to ensure quality of life in these four domains has been shown to relate directly to the parent-child relationship (Shye, 1979, 1985, 1989 in Davidson-Arad, 2001). Of the 388 children of whom questionnaires were completed, 304 of their parents had criminal histories (Davidson-Arad, 2001).

Although the association between assessment of risk and criminal history was not specifically tested, statistically significant associations were found between the criminal history of one of the parents and their ability to enable quality of life for their child in all four of the factors on the Shye questionnaire. Two variables, the parents' ability to facilitate the psychological factor of quality of life and parental addiction, were found to distinguish between the children who remained at home and those that were removed (Davidson-Arad, 2001).

Rossi, Schuerman, and Budde (1999) compared the decision-making of CPS workers with those of child welfare experts. They looked at substantiation decisions and the factors that influence those decisions. Participants completed questionnaires about their decisions (presented in vignettes) in the presence or absence of family preservation programs. Of the total variation, 60% was accounted for by the case characteristics while only 4% was attributed to the experts. Rossi et al. (1999) concluded that decisions were much more affected by the case information than they were influenced by differences between the workers or experts. In this study, families where the perpetrator of the abuse had a criminal record were more likely to have their children removed.

These studies point to the significance of the intersection of the child welfare and criminal justice systems. The importance of arrests, criminal behavior, and criminal history in the determination of safety and risk during investigations is repeatedly statistically significant in removal decisions when considered as a parental characteristic. It is unclear how the CPS workers considered the parents' criminal history in their decision-making processes. In the Rossi, Schuerman, and Budde (1999) study, the agreement between child welfare experts and CPS workers in the significance of criminal history in the removal decision may indicate that there may be organizational factors that influence the weight that is placed on criminal history. Administrative and questionnaire data alone cannot provide the information needed to ascertain how CPS workers assess, interpret, and use criminal history information in their decisions to remove children.

E. Criminal Histories

As parental criminal history information is often requested in assessment and risk instruments, its accuracy is of paramount importance. Criminal history information is stored in

repositories that are maintained by State, federal, and the territories. Their mission is to maintain accurate and comprehensive criminal record information. The United States Department of Justice reports that in 2010 in 50 states, the District of Columbia, and Guam there were 97,893,200 criminal history files. Of those 90,384,500 of them are maintained electronically.

Practices across jurisdictions may vary somewhat, but each criminal history typically contains personal and criminal information. Personal data includes such descriptive items as name, address, physical description and fingerprints as well as one's current and historical involvement with the criminal justice system that includes arrests, formal criminal charges, and dispositions. There also may be information about pretrial release or confinement actions or other dispositional records such as when the prosecutor decides to file or drop charges. Some offenses may not be included in the history; minor misdemeanor and juvenile offenses may not be a part of adult criminal histories (U.S. Department of Justice, 2011; SEARCH, 2012).

As many decisions may be affected by criminal histories, the quality of the included data is of utmost concern. The U.S. Department of Justice defines quality as the degree to which criminal history records are complete, accurate, timely, and accessible (U.S. Department of Justice, 2011).

1. District of Columbia

In the District of Columbia a criminal record may be sealed (as opposed to being expunged as in other jurisdictions) pursuant to the Criminal Record Sealing Act of 2006 by filing the requisite form with the District of Columbia courts. A criminal record only may be sealed if the individual meets one of three criteria outlined in the Act: if the individual has been found innocent of the crime, if the individual was charged with a misdemeanor for which he/she was not prosecuted and the case was terminated without a conviction, and if the individual had been

arrested based on a charge from another jurisdiction provided that the court case in the other jurisdiction has been resolved (Criminal Record Sealing Act of 2006).

Current criminal cases can be found on line through the District of Columbia Courts website at <http://www.dccourts.gov/internet/CCO.jsf>. In order to find information about a particular person one must have their full name and/or the particular docket number. This search engine contains information about crimes that were committed within the District of Columbia.

F. Policy and Regulatory Mandates

1. Federal Policy

The federal government does not offer specific guidance as to how to assess risk and safety in consideration to criminal history of biological parents. Looking for federal assistance in determining how criminal records are to be used, one may consider the area in which they do mandate criminal record checks. There are two ways in which the federal government provides direction in this area. The first is to delineate specific crimes, which may preclude family reunification. The second is somewhat tangential, but provides more specificity in how certain crimes may relate to the assessment of child safety. This second mechanism falls in the area of the licensing of foster and adoptive parents and any other adults who reside with them.

The guidance regarding family reunification is found in within the requirements for the State Plan for Foster Care and Adoption Assistance (Sec. 471. [42 U.S.C. 671]). The federal government does not specify the criminal records checks that need to be completed in regards to biological parents. This section details that reasonable efforts for family reunification are not required to be made if one of the parents has been convicted of specific crimes described as “subjecting a child to aggravated circumstances as defined in State law” (Sec. 471. [42 U.S.C. 671]). Crimes defined as such can include child abandonment, chronic physical abuse, torture

and sexual abuse (http://www.ssa.gov/OP_Home/ssact/title04/0471.htm#ft177). There are other felony crimes, such as murder, voluntary manslaughter, or an assault on a child that results in bodily injury, which may allow the state to not pursue reunifications efforts with a particular parent.

a. Foster and Adoptive Parents

The federal government mandates and ensures the completion of criminal record checks in the licensing of foster and adoptive parents through two avenues: legislative mandates and Title IVE compliance reviews. The Adam Walsh Child Protection and Safety Act was passed in 2006 as a legislative vehicle with the purpose of “protect[ing] children from sexual exploitation and violent crimes, prevent[ing] child abuse and pornography, and promot[ing] Internet safety.” (P.L . 109-248). Main components of the Adam Walsh Act include the establishment and maintenance of a national sex offender registry, eliminate the statute of limitations regarding sexual offenses against minors, provides for the civil commitment of people who have committed sex offenders, prevention of child pornography, and amending the Social Security Act, IVE, Grants to States for Aid and Services to Needy Families with Children and for Child-Welfare Services, to mandate fingerprint based criminal record checks of national and state criminal and child abuse registries.

The spirit of the Adam Walsh Child Protection and Safety Act was to prevent children from being placed in homes where people who had been convicted of violent and sexual offenses reside. By amending the IVE provision of the statute with this Act, the federal government ensures continued compliance through the periodic reviews of IVE funding reimbursement. In a Program Instruction issued by the Department of Health and Human Services in March of 2010, the Children’s Bureau specified that child welfare agencies need to obtain fingerprint

criminal record checks and child abuse registry information for prospective foster and adoptive families and the adult members of their household (ACYF-CB-PI-10-02, 2010). The cost incurred by the child welfare agency is an allowable federal reimbursable expense.

Federal regulations delineate certain crimes for which states may not license or approval foster or adoptive homes (45 CFR 1356.30 §1356.30). The crimes are separated into two categories; those for which there is a complete ban against licensure and those for which there is a five-year restriction. There is a complete ban for the licensing of homes where the foster or adoptive parent has been convicted of a felony of the following crimes: child abuse or neglect, domestic violent, crimes against a children, child pornography, violent crimes rape, sexual assault, or murder. The regulations also specify that a home may not be licensed if the prospective foster or adoptive parent has been convicted in the last five years of felony physical assault, and drug related offenses (F.R. 42 §1356.40).

b. Child Abuse Prevention and Treatment Act

Since the passage of the Adam Walsh Child Protection and Safety Act, subsequent legislation has reinforced the spirit and compliance mandate. The Child Abuse Prevention and Treatment Act (CAPTA) Reauthorization Act of 2010 (Public Law 111-320). Two provisions of the CAPTA reauthorization address the criminal behavior of parents and prospective foster and adoptive parents. The two provisions must be reflected in each State's law and policies. The first provision is to add persons who have been have a conviction of child sexual abuse and/or been required to register in the national sexual offenders registry to the criteria that allows the State to not pursue family reunification (42 U.S.C. 16913(a)) (section 106(b)(2)(B)(xvi)(V) and (VI). The second provision is simply an emphasis of the criminal records check on prospective foster and adoptive parents and other adults living in the home

(§ 106(b)(2)(B)(xxii)).

Most recently in the Federal Register on January 6, 2012, responding to public comment, the Administration of Children and Families (ACF) clarified that the provisions of the Adam Walsh Child Protection and Safety Act also apply to Tribal communities seeking to obtain IVE reimbursement for foster care maintenance expenses. ACF reiterated its commitment to the need for criminal record checks. The only manner in which the tribal child welfare agency may be in compliance is if they obtain fingerprint criminal record checks from the Federal Bureau of Investigation's databases of the applicants for licensure (F.R. § 1356.30).

The criminal record finger print and child abuse registry checks are mandated, discussion of how to assess and act on this information is absent from this program instruction as well as the more general Children's Bureau Child Welfare Policy Manual (this manual provides policy direction to the States in the form of questions and answers, http://www.acf.hhs.gov/cwpm/programs/cb/laws_policies/laws/cwpm/index.jsp). Criminal record checks in the Child Welfare Policy Manual focus on restating the kinds of offenses that can allow the State to not seek family reunification and whether licensure of a prospective foster or adoptive parent is warranted given a criminal records check.

It is important to note that the legislation, regulations, agency program instruction does not provide any guidance as to how evaluate crimes that are not listed in the criteria. The crimes listed as criteria are very serious and it may be assumed that if the parent has been convicted of any one of these crimes they may be incarcerated which may also hamper family reunification efforts. The manual states that States may implement more stringent licensure criteria regarding prospective foster and adoptive criminal history than is detailed in the federal legislation (Child Welfare Policy Manual). With minimal guidance from federal legislation and policy, it is the

States that must further specify how parental criminal history may impact safety and risk assessment decision-making.

G. Decision Sciences

Many of the advances in the field of decision sciences have been outside of the field of child welfare. The Decision Making Ecology (DME) is the only decision-making framework conceived solely for child welfare practice. Advances in fields other than child welfare, such as economics, psychology, and medicine have influenced the conception and development of the DME. These advances helped shape and formed a basis for understanding the decision-making process in child welfare. Heuristic techniques and assumptions play a role in how CPS workers consider complex, sometimes contradictory, and incomplete information that is available during maltreatment investigations. Decision-making in child welfare is complex with multiple factors contributing, at different times and in different concentrations, to the outcome. Factors may contribute different in intensities depending on the particular decision being made. It is important to consider how advances outside of the field can illuminate decision-making in child welfare.

H. Fields outside of Child Welfare

Four fields have developed theories that have influenced the development of the DME: psychology, economics, artificial intelligence, and medicine. Each of these theories has something to offer theoretically in how we conceptualize decision-making, but they do not capture the intricacies involved in the complex context in which child welfare is situated. They do however influence, support, and explain how we conceptualize decisions in child welfare. Three theories from psychology and economics have particular relevance to child welfare: riskless and risky decision-making, game theory, bounded rationality, intuitive and explicit judgments.

1. The Rational Man

In the field of decision-making the most important set of assumptions in the theory of riskless choice is that the individual who is making the decision is “an economic man” (Edwards, 1954). Edwards describes an economic man as being “completely informed, infinitely sensitive, and rational” (Edwards, 1954, p. 381). Being completely informed is defined as knowing what all of the outcomes are and the consequences of each. Sensitivity in this instance is the ability to detect the continuous nature of an array of outcomes. The lynch pin in this model is that the “economic man” is rational. Edwards (1954) describes this rationality as meaning that he can order the alternatives and select the best one. In the investigative process CPS workers are asked to be “economic men” as described by Edwards. Through the completion of risk assessment instruments, they are to be fully informed about the family, sensitive to their needs and rational in their choices for children who have been maltreated.

2. Game Theory

Game theory is a mathematical model of independent and interdependent decision-making in which there is both conflict and cooperation between rational decision makers who act in their own best interests (Myerson, 1991; Kelly, 2003). Game theory is used mainly in the fields of economics, psychology, and political science to describe, predict and explain behavior where the outcome will depend on the decisions of two or more autonomous people where no one single decision maker has full control of the outcome. It has been used to describe and predict ethical or normative behavior (Camerer, 2003). The theory is constructed around a set of available strategic choices where the outcome is defined and known.

There are three different “games”. The first is a cooperative game is one in which the outcome is dependent on both of the players (game theorists refer to the participants in the model

as players, the use of this term in this context is to better understand this model rather than negatively characterize CPS workers). The second is where the interests of the players are in opposition to each other. This game is often labeled as a “zero sum non-cooperative game” (Kelly, p.2). In this game the players often need to hide their intentions from the other players. The third classification is when the players interests are both cooperative and in opposition to one another. This is often called a “mixed motive game” (Kelly, 2003).

It is not difficult to see how game theory is illustrative of the behavior of CPS workers. What is complex is that depending on how one characterizes the work with a family, each of the three categories of games may be present in different formats. Before an investigation is initiated, work with the family could be characterized as a cooperative game in which the outcome, child safety, is dependent on the work of both of the parties - the agency and the family. The investigative phase of the work could be labeled as a zero sum non-cooperative game as the interests of the agency and the parents may be in conflict with one another. While the child is in foster care, the work with the family is illustrative of the mixed motive game where there both parties are in agreement with one of the outcomes, safety, while agreement with the permanency outcome may be different.

3. Bounded Rationality

Bounded rationality is a theory that was first proposed by Herbert Simon (1955; 1979 in Kahneman, 2003) in the field of economics. It is the suggestion that one’s rationality is limited by the amount of information that they have, their cognitive ability to process that information, and the amount of time in which they have to make the decision. It is in opposition to theories that state that given information the individual will make the most rational decision. Decision makers often lack the ability, the resources, and are constrained by the environment to make the

most favorable decision; they will instead simplify the choices available and seek a satisfactory solution (Gigerenzer & Selten, 2002; Kahneman, 2003). Simon coined the word, “*satisficing*” for this decision-making process (Simon, 1955). Kahneman & Tversky explored this theory in consideration of two ideas; the first is that thoughts differ in how accessible they are in a given moment and the difference between an intuitive and a deliberate thought process (Kahneman, 2003).

4. Two Systems

The distinction between intuition and reasoning has been of interest as the two different mechanisms have been brought forward as studies in judgment have yielded contradictory results. Stanovich and West (2000, in Kahneman, 2003) labeled them as Systems 1 and 2. System 1 is a quick operation. It is automatic, emotional, with is made with little effort and no voluntary control. These implicit, intuitive judgments are instantaneous and efficient. This swiftness can be error prone (Baumann et al. 2012).

System 2 assigns attention to those activities that demand it. It is characterized as being slow, serial, controlled, rule-governed, and neutral. This system is often linked with experience of agency, choice and concentration. System 2 is involved in all judgments, whether they are a product of an impression or a deliberate process. System 2 is less error prone, but is cognitively labor intensive and inefficient (Kahneman, 2003; 2011; Baumann et al., 2012).

The two systems interact and are active during waking hours. System 1 runs automatically and all of the time. It generates impressions, intuitions, and feelings for System 2. System 2 turns impressions into beliefs and impulses into voluntary actions. System 2 monitors System 1 and is activated when an event is not what System 1 expects. System 1 has biases and is prone to make systematic errors. It cannot be closed down (Kahneman, 2003; 2011).

Risk assessment activities in child welfare such as the completion of forms, answering of questions, and the discussion of families with one's supervisor are an attempt to transfer the decisions made in cases from System 1 to System 2. As CPS workers become more skilled there is the tendency for these activities to become routine. System 1 takes responsibility for the task.

5. Optimization

In the fields of business, technology, and medicine there are two additional theories that provide insight into decision-making in child welfare. The first, optimization, is simply that one selects the best alternative out of those available in making a decision. In an uncertain situation, this decision maximizes the desirability of the outcome. Finding the optimal decision is conceptualized as a mathematical calculation. In a decision-making context without an infinite amount of time to analyze possible solutions, most make a good enough decision rather than an optimal decision (Baumann et al, 2012).

6. Artificial Intelligence

The second is in the field of artificial intelligence where advances have been used to advance the analysis of social networking. Social Network Analysis has been used to visually depict the complex social interactions by combining mathematical analysis of social structure and qualitative reasoning and interpretation. As artificial intelligence has become more sophisticated, it is used not only as an analysis tool, but also as a methodology for constructing theories of social behavior using simulation models. Most recently, military intelligence has used network analysis to better understand terrorist organizational hierarchical structures (Tsvetovat, 2005).

Artificial intelligence has contributed to technology used to design expert computer systems that can create simulations that mimic complex decision-making systems. Simulated

models can help in predicting/anticipating future events and in forecasting future events and in exploring possible future interventions (Das, 2005).

I. Heuristics, Bias, and Errors in Decision Making

Heuristics and biases are a big part in understanding the decision-making process. There are a number of heuristics that affect the manner in which people make decisions that deviate from rational choice (Das, 2005). Heuristics are examples of strategies that people use to simplify the process of making decisions; Kahneman (2011) defines heuristic as “a simple procedure that helps [one] find adequate, though often imperfect, answers to difficult questions” (p. 98). The heuristic creates a problem when it is the only judgmental strategy that we employ. Often once a heuristic has been used, our field of vision narrows and categorical expectations often govern our future observations. Certain heuristic techniques have particular relevance to child welfare decision-making (Stein & Rzepnicki, 1983; 1984; Kahneman & Tversky, 1974; Kahneman, 2011).

Using a combination of learning experiences, CPS workers develop a knowledge base that includes theories, beliefs, propositions, and schemas as well as a set of expectations about the world, which they use to lend order to their work without which would otherwise be a chaotic physical reality. Errors in decision-making are to be expected, but in child welfare errors in decision-making can end tragically with the death of a child. The literature suggests that the sources of error can be empirically understood and improved upon (DePanfilis & Girvin, 2005; Munro, 1999; Gambrill, 2005; Shlonsky & Wagner, 2005). Errors can result from a myriad of reasons; lack of adequate training or capacity in staff, relying on questionable means to assess information, and conformational bias. Unfortunately the error rate is unknown in the field of child welfare. The rates of false positives, the rates of unwarranted custody, and the rates of

false negatives, of not taking custody when it is warranted, are unknown (Rossi, Schuerman & Budde, 1999).

1. Representative Heuristics

A representative heuristic is an instance where one focuses on the stereotype of a situation or of a person rather than the probability that it exists. This helps the decision maker assign information to categories; the assignment proceeds on the basis of similarities between the object and one's cognitive representations about members of different categories (Kahneman, 2011). This process reduces the uncertainty to simply making similarity judgments. Errors in judgment result from the failure to use base rate information when we encounter a description of a person or of a family (Stein & Rzepnicki, 1983; 1984).

Another illustration of when this occurs is after a judgment is made, one may select subsequent information based on the stereotype of the acquired information; we look for what we expect to see. Confidence increases through the process of selecting the additional information that confirms the initial hypotheses. If the information presented first paints a picture of a particular parent like that of a stereotype, the probability that ongoing decisions are made based on this particular stereotype are likely, regardless of subsequent gathered information (Stein & Rzepnicki, 1983; 1984; Kahneman & Tversky, 1974; Kahneman, 2011; Baumann et al, 2012).

There are two instances where the representative heuristic is particularly of concern. The first is the excessive willingness to make predictions based on the event of unlikely events. The second instance is the lack of attention to the quality of the evidence one is considering. Unless the unreliable information is immediately judged to be so, we will often consider the information as true (Kahneman, 2011).

2. Availability Heuristics

The availability heuristic is one in which we substitute one question for another. We estimate the likelihood of an occurrence by how easily it comes into mind. Availability is affected by the vividness and the drama of an event, not simply by factors of its frequency and probability (Kahneman, 2011). For example if there recently was an airplane accident, we are much more concerned about safety in traveling by air. The frequency of the occurrence of an event is shaped by the amount and emotional passion of the messages we see.

For instance, if a story of sexual abuse in a day care facility had been receiving intense scrutiny in the media, a CPS worker may be concerned about sexual abuse in a separate investigation of a different day care facility even though the likelihood of sexual abuse occurring in a child care facility is very low. Pathology and disorder are given more weight. There is an emphasis to select the evidence that reinforces a pathological view of client behavior (Stein et al. 1984; Kahneman, 2011; Baumann et al., 2012). The likelihood of seeing a family that has been reported to child welfare as healthy, regardless of case characteristics is not as great as seeing the family as mentally ill, abusive, or neglectful (Stein & Rzepnicki, 1983; 1984).

3. Fundamental Attribution Error

The fundamental attribution error, also referred to as the correspondence bias, depicts the inclination to attribute other people's behavior to personality, abilities or dispositional factors and to minimize situational causes (Gilbert & Malone, 1995; Ross, 1977, Baumann et al., 2012). The person involved in a situation is seen as an extremely important player and their behavior is explained by their internal dispositions rather than situational or contextual factors (Reeder, 1982; Kazdin, 2000).

One of the concerns for the child welfare worker is to determine antecedents for the maltreatment. Is it situational, environmental, or psychological make-up of the client? This decision has serious implications for the assessment and for the client. The representative and availability heuristic increases the chance that we will make errors of this type. As we observe people behaving, we make assumptions of their disposition.

4. Fast and Frugal Heuristic

The fast and frugal heuristic is an approach where if a person cannot distinguish between two alternatives, he begins a search to find a single cue that will provide him a reason for selecting one alternative over another (Oppenheimer, 2003; Hardman, 2009). Gigerenzer & Goldstein (1996) developed an algorithm that sought to replace the classical rationality of the riskless choice theory that they situated within the bounded rationality theory. They provide five steps that assist in choosing between two alternatives when information is limited and the decision must be made quickly. The first choice is to select the object that is recognized. If neither alternative is recognized, one looks for a cue about both choices. The alternative whose cue is the most positive is then selected. If there isn't a cue that is more positive than the other, the person selects randomly. The fast and frugal heuristic is especially relevant as CPS workers make decisions in highly stressful situations when the decision to remove the child may be made in an emergency room or in a home where the worker may feel threatened.

Supporting these perceptions is an over confidence phenomenon reinforces our beliefs in that our subjective confidence in our judgments is greater; we overestimate their objective accuracy (Pallier, 2002). Decisions are made based on information that is gained in the very early encounters with clients. Observed discrepancies in behavior will be dismissed as irrelevant if our initial explanations are not subject to modification. In the child welfare literature,

ratcheting is a term used to describe the persistence with a point of view in spite of evidence that it is wrong (Howitt, 1992; Spratt, 2000). Additional data does not alter a decision once it is made. We pick out evidence that supports our initial belief. If the information presented first that paints the picture of the client like that of a stereotype, the probability that the decision will be made based on this stereotype are likely, regardless of information that is subsequently gathered (Stein & Rzepnicki, 1984, Devine et al., 1990; Munro, 1999; Baumann et al., 2012).

Emotional attitudes towards a particular item drive one's belief about its benefits and risks. One's mood can affect one's judgment. If one dislikes a particular item, the belief that its risks are great and its benefits slight is high. This heuristic is one of substitution; the answer to a more difficult question about how one thinks about a situation is replaced by how one feels about it (Slovic, et al., 1982; Damasio, 1994 & 1996 in Kahneman, 2011).

J. Signal Detection Theory

There is much concern in child welfare regarding errors in investigative decision-making. An error in a CPS investigation can have devastating consequences leading to serious child maltreatment or a child's death. The Signal Detection Model provides a theoretical foundation to improving our ability to distinguish between alternative choices and make decisions in uncertain situations (Swets, Tanner & Birdsall, 1961; Swets, 2000; Swets & Tanner, 1961). A diagnostic situation is one in which recurring choices must be made between two competing choices and where the decision is not perfectly accurate. If one uses probabilistic information to decide if a certain condition is present in a particular situation, one must also decide how high of a probability is needed in a particular situation in order to make a positive decision. When there are two alternative answers to a diagnostic question, there are four possible decision outcomes:

true and false positives, and true and false negatives. True and false positives rise and fall together (Swets, Tanner & Birdsall, 1961; Swets, 2000; Swets & Tanner, 1961).

For example, if a lot of children are removed from their homes, one can ensure that more children who have been abused are removed from their homes. In this instance, more children who have not been abused will be removed from their homes as well. The challenge is to balance the false positives with the false negatives (lax threshold). On the other hand, if one errs on the side of not removing children from their home as often, more children who have been abuse will remain with their parents at the same time, the number of those who have not been seriously abused will also remain at home as well. This may result in more children being seriously harmed or killed (high threshold). The challenge is to balance the true positives with the false positives (Mansell, 2011).

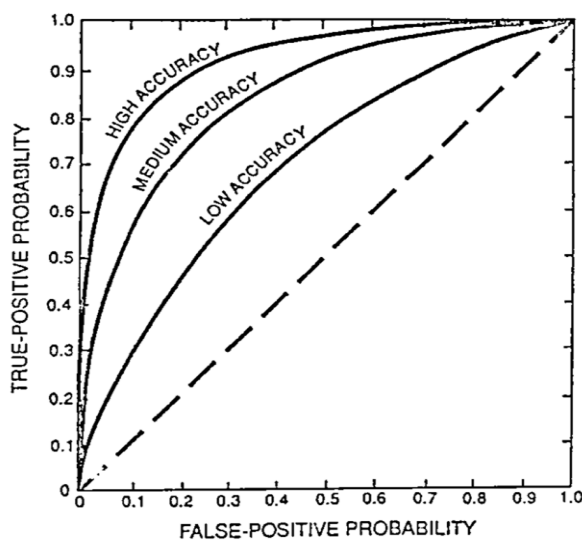


Figure 3: Signal Detection Model (Swets, 2000, p. 72)

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In this situation there is a tradeoff between the goal to have more instances of true positives, cases where children are safe (removed from their homes), and there will be more instances where children are removed from their homes unnecessarily. A threshold is determined through the calculation of a base rate and costs/benefits to achieve the slope of the curve. Base rates are the number of children who are abused. The benefit of a correct decision about child maltreatment may be that a child is safe. The cost is that the child will suffer repeated maltreatment or perhaps die. The threshold is set at a point that provides a balance between the two outcomes and that is satisfactory to the community. In order to determine the slope, numerical values for the base rate, the costs, and benefits are determined (Mansell, 2011).

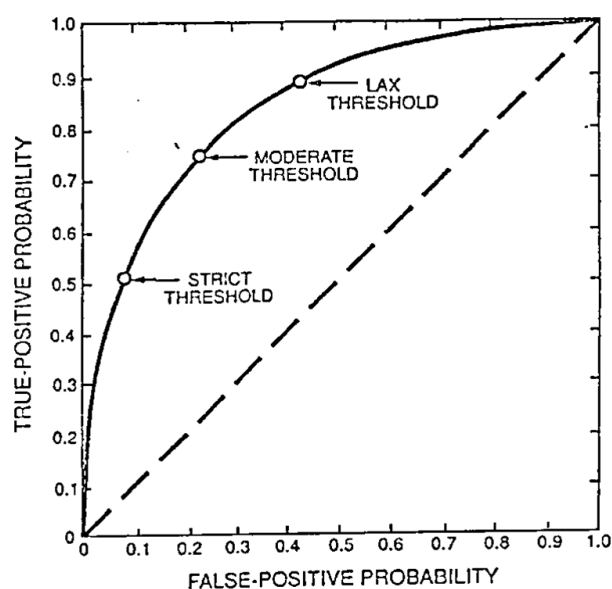


Figure 4: Thresholds (Swets, 2000, p.68)

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Dalgleish (2003) applied the signal detection method to the continuum of risk assessment, balancing the needs of and risk to the child. The information that is used to make decisions is child welfare is most often not clear, imprecise, and ambiguous. The decisions are made quickly, often in a context that is emotionally charged. The decision makers' own background and experiences influence the decision. This difficult task is made in a context that has resource constraints, media scrutiny, political volatility, and public accountability. The clients are most often involuntary and may not be forthcoming with accurate information.

In the model, the worker collects and organizes case information. This information provides the basis for the assessment about the case. In Dalgleish's (2004) model, the information that influences the assessment of the family is different than the factors that impact the placement of the threshold. The model differentiates the worker's ability to identify the need to take action from their willingness to take action. Rossi, Schuerman & Budde (1999) presented case vignettes to workers and experts. There was inconsistency in the decisions that were rendered. The researchers found that the inconsistencies were a result of different decision thresholds held by the participants. Britner & Mossler (2002) found that different kinds of professionals, i.e. judges, attorneys, social workers, allocate different weights to case characteristics when they make decisions about removing children in hypothetical vignettes.

K. Interviews

In an interview research project, the researcher seeks to explore the multi-layered, contextual boundaries of experience and perception from the actual participants in a particular identified process (Gubrium et al. 2012; Lee, Sobeck, Djelaj & Agius, 2013). To better understand how the CPS worker uses parental criminal history in his/her decision-making processes, the interview provides a window into the reality of the CPS worker as they make

decisions about children's removal in their normal investigative work environment (Brinkmann & Kvale, 2014; Charmaz, 2006; Rubin & Rubin, 2012).

The decision to remove a child is a complex one and not given to a simple likert scale answer. The interview process will elucidate and help articulate the meaning made and the perspective taken of the CPS worker as well as allowing the researcher to request details about a particular topic raised, question participants' statements, and reflect the statements back to the participant to ensure that they have been understood correctly (Charmaz, 2006; Gubrium et. al., 2012).

At the conclusion of the participants' assessment and after they have made a decision of whether to remove the child, several questions will be posed to them. It is important that the questions in an interview within a qualitative project allow the participant to more fully explore the topic at hand rather than serve as a method of interrogation (Charmaz, 2006). The interview guide in this project is intended to elicit more specific information from the participant's assessment of the vignette and to ensure that the participants' remarks are clearly understood.

L. Vignettes

Vignettes are a stimulus that can be made up of text, pictures, or graphics to which participants are asked to respond. They may be presented in various ways, from written text prompts to video clips (Hughes & Huby, 2001; Jenkins, Bloor, Fischer, Berney & Neale, 2010). Vignettes have been used in social work research to explore social work skills in parent engagement and risk assessment (Forrester et al., 2008; Skivenes & Skramstad, 2014), social workers' values and their translation into work with clients (Wilks, 2004) and in understanding parental response to mental health symptomology (Chapman & Stein, 2014).

In constructing vignettes, the researcher can focus the participants' gaze and define the parameters of the information being presented (Braspenning & Sergeant, 1994; Hazel, 1995; Hughes, 1998; Wilkins et al, 2013). Constructed vignettes allow all participants to respond to the same stimuli and allow the researcher to better compare participants' responses (Chapman & Stein, 2014; Lanza & Carifio, 1992; Wilkins et al., 2013). Vignettes must be carefully constructed so that they provide a stimulus that is as meaningful and realistic as possible (Crafter et al., 2010, Weisman & Brosigole, 1994 in Hughes & Huby, 2001).

Vignettes are not thought of as predictors of the participants' subsequent behavior, but as a mechanism to achieve insight into the participants' internal perceptual framework (Crafter, Abreu, Cline & O'Dell, 2010; Jenkins et al., 2010). The three vignettes in this project mirror the three subtypes of criminal histories that were identified in the analyses of the National Survey of Child and Adolescent Well-Being (NSCAW) data: (1) mothers with arrest histories in the past, (2) mothers with more extensive arrest histories, and (3) mothers who were first arrested when they were relatively older (Phillips & Erkanli, 2008). The details of the children and families in the vignettes will be initially crafted by the researcher based on characteristics of the population as reflected in the Adoption & Foster Care Analysis and Reporting System (AFCARS) data (US DHHS, 2013). Details of the child maltreatment and family information will not be identical, but analogous enough to warrant similar risk assessments (Taylor, 2006).

III. CONCEPTUAL FRAMEWORK

Conducting child maltreatment assessments and making decisions about risk and child safety is done in an emotionally charged and uncertain environment where the information gathered may be vague, unclear, or ambiguous. There are structural constraints, media scrutiny, political examination, and public accountability that influence CPS workers and the child welfare systems in which they operate. These conditions create an environment of uncertainty and make predicting the outcome of investigations problematic. The gathered information upon which a decision is based may be complex, unreliable, and CPS workers are often hesitant to make decisions because of serious consequences of their actions. There are a myriad of issues that can impact the decision to remove a child from their home and isolating the variable(s) that are directly tied to the worker's decision has been difficult. Case characteristics, contextual factors, the human decision making process, CPS workers' assumptions, availability of resources, and the role of error all play a role in this decision-making practice. Parental criminal history is a variable that plays a part in the CPS workers' decision-making process but its role and impact are not clearly understood.

The Decision Making Ecology framework (DME) considers worker decision making in an ecological context. Decision-making in child welfare can be conceptualized on a continuum, with decisions at intake occurring on one end and removal decisions on the other end. Other decisions made during the investigation fall on this continuum, somewhere in-between (Baumann, Homer, & Fluke, 1997; Baumann et al., 2011). There are a number of assumptions that undergird this framework. Decisions have psychological properties at the worker's level. These properties are cognitive, motivational, and emotional. Decisions are not made in isolation, but in a specific context. Considering the same information, people have different thresholds for

making decisions. As with the risk assessment instruments, it is still up to the individual worker as to whether the information that he has gathered has risen to a level in which he believes that it meets the criteria to “check the box” indicating there a concern this area. Errors will be made when individuals make decisions. We can understand these errors empirically and in doing so improve their accuracy (Baumann, Fluke, & Casillas, 2012).

The Decision Making Ecology framework lays an important foundation for the conceptualization of the role criminal history plays in the CPS workers’ decision-making processes. As it has not been studied, the context in which this information impacts the process is unclear.

The DME is a multidimensional model that characterizes the context for decision-making in child welfare is a valuable framework to better understand decision making in child welfare. There are two main components of this framework that assist in deconstructing the process of complex decision making in the practice of child welfare. First, the framework categorizes the research in the field and situates the decision making process in the context of child welfare practice. Secondly, the General Assessment and Decision-Making Model (GADM) differentiates the assessment of risk from the process of decision making within the child welfare context.

It could be assumed that decisions regarding the removal of children from their home are made by considering case factors alone however, case related decisions may also be influenced by factors that seem unrelated to the particular case. These factors fall under the broad categories of external factors caseworker factors, organizational (agency) factors, and particular case factors are related to the decision threshold (see Figure 5).

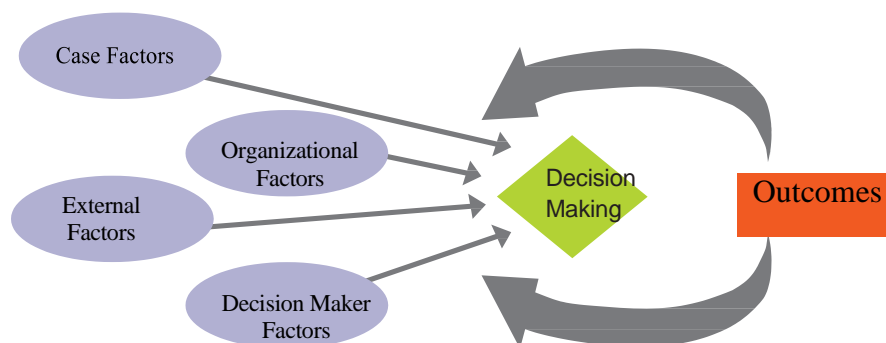


Figure 5: Decision Making Ecology Framework (Baumann, et al. 2011, p. 5)

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A. Case Factors

Case factors are unique characteristics about a family that are important in the decision making process and influence the case's trajectory through the system. Different models place case factors into categories that are related to the current episode of maltreatment such as the kind and severity of the abuse and/or neglect (Reid, et al., 1995; DePanfilis, 1997; Ashton, 1999; WISDOM, 1997; Thompson & Wiley, 2008) as well as the family's presenting problems that may predict future maltreatment (Rossi, et al., 1999; Darlington, Healy, Feeney, 2010). Prior records of maltreatment have also been cited as influencing the decision-making process as families who have a history or reports are more likely to have their children removed (Rossi, et al, 1999; Eckenrode, et al., 1988). There have been many parent and family characteristics associated with the decision to remove. Phillips et al. found as many as 43 different factors (1971), but as Lindsey noted there is not an agreement among workers as to which case factors are more heavily weighted in making placement decisions (2004). Researchers continue to examine different case factors and their relationship to substantiation and child placement.

Dividing case characteristics into three categories helps to explain how they influence decision-making. The first category focuses on the child and is comprised of such characteristics such as age, physical and mental abilities (DePanfilis, 1997; DePanfilis & Salus, 1992; Hibbard & Desch, 2007; Sullivan & Knutson, 2000), the number of children in the home, and the presence of an adult that can serve in a protective role in regards to preventing further harm or access to the child by the alleged perpetrator (Marshall & English, 1999; Dorsey, et al., 2008). A child's temperament and/or behavioral problems has also been associated with maltreatment (Brayden, et al, 1992; Harrington et al, 1998; McBride et al, 2002; Windham et al, 2004), but its role is complex as a but at the same time, maltreatment can be the underlying factor in behavioral problems (Herrenkohl & Herrenkohl, 2007; Ireland et al, 2002; Mersky & Reynolds, 2007).

The second category is parental characteristics. These can include the ability to function as a caregiver, the presence of domestic violence (Coohey, 2007) or substance abuse among the adults in the home, the presence of mental illness in both the caretakers and other adults, How these impact the caretaking of the child are all included in this second category (Davidson-Arad, et al. 2003; Davidson-Arad, 2005; Dorsey et. al, 2008). The criminal history of the parents (Rossi et al, 1999; Trocmé et al, 2004), and the level of cooperation of the family with the worker (DePanfilis, 1997; DePanfilis & Salus, M, 1992; Karaski, 1999; Holland, 2000) are also important characteristics that are considered. Parents who have histories of maltreatment themselves have a higher probability of having children removed (Marshall & English, 1999; Dixon, et al, 2005; Lounds, et al, 2006; Pears & Capaldi, 2001; Fluke et al, 2010).

The third category encompasses items such as the condition of the home environment, the income level of the parents, and the family structure in which the child is currently living in (Trocmé et al., 2008). Research into how different characteristics from different categories

intersect, interact, and impact outcomes is most notable in the body of literature regarding disproportionality (Wulcyn & Levy, 2007; Hill, 2007; Rivaux et al., 2008).

B. Organizational Factors

Organizational factors that impinge on this decision making process include those agency characteristics that interact in the space between the organization and the worker. The cultural competence of the organization (Nybell & Gray, 2004), role ambiguity, the adequacy of the workers' supervisor, and caseload size (Ryan, 2005) all influence worker performance (WISDOM, 1997). The particular local office where the worker is stationed impacts the decision making process (Wells et al., 1995) as well as the racial match between the worker and the client family (Ryan, 2005). The importance the organization places on worker tasks (i.e. prioritizing paperwork over family contact) the rate of turnover, and the value placed on worker impact the context in which decisions are made (WISDOM, 1997; Fluke et al, 2010). Inadequate supervision can lead to role conflict, burnout, and departure from the organization (leading to increased turnover) (WISDOM, 1997). Smith & Donovan suggest that organizational pressures negate best practices in the field and organizational pressure to maintain workers in patterns of work with families may not help them achieve service plan goals (2003). Workers' access to information, such as current policies and training materials, through different technological venues can be very helpful in supporting decision-making (Fluke, 2011).

C. External factors

There are several community level factors that impact child maltreatment. These include social isolation, low levels of social support, high population density, high unemployment rates, and the number of families with children under 18 (Jantz et al. in press; Wells et al, 2004). This category is undergirded by social disorganization theory that hypothesizes that heterogeneous,

mobile communities can be characterized by low collective efficacy and few collective resources (Lery, 2009). Living in a high poverty neighborhood, relocating frequently, and family poverty have been shown to increase the risk of child maltreatment (Jantz et al., in press). Policy changes, negative media scrutiny, and political administration changes can influence the decision making process as well (WISDOM, 1997).

D. Decision Maker Factors

The decision maker is one of the key factors in the DME. In this model, the decision makers are the CPS caseworkers whose individual cognitive, motivational and emotional attributes influence the process (Baumann, Fluke, Casillas, 2012). The CPS worker define the problems surrounding the maltreatment, deciding what information to gather, how to prioritize it, and how to distinguish between cause and effect of the alleged maltreatment. Characteristics of decision makers that influence their decisions are limited knowledge, limited critical analysis skills, personal experiences and obstacles, and competing values (Gambrill, 1997). Other factors such as worker stress responses that are triggered by novel situations and parents' hostile demeanor can also influence how risk assessment tools are completed (LeBlanc et al., 2012). In consideration of how professionals prioritize and use information in the decision making process, Britner & Mossler found that professional affiliation can make a difference in assigning importance to different characteristics (2002).

E. General Assessment and Decision Making

Risk and safety assessment tools guide the CPS worker in forming a judgment about a particular family situation. There are different models of risk assessment, but still the connection between the assessment and the decision is not clear. The tools guide the worker to consider certain kinds of information with the understanding that this consideration will inform the decision making process. The psychological process of making a decision can be thought of as having three distinct components. The first is to make an important distinction between forming

a judgment and making a decision. A judgment is an assessment of a particular situation, either of the present risk or of the evidence available to support the known information, whereas a decision is an action taken based on that assessment. The second step of the model is the threshold at which a person decides to act on the judgment they have previously made (see Figure 6).

Conflicts between decision makers occur when there is a difference between in the assessment of the family or in the threshold level of the worker. Decisional conflict can be defined as two individuals who agree on their assessment of a family, but disagree on what action to take. On the other hand, judgmental conflict occurs when two people have similar threshold levels but disagree on the assessment of a situation. Judgmental conflicts are resolved by discussing the different data pieces and their meaning in regards to the safety of the child. Decisional conflicts are more difficult to resolve as one's threshold is based on deep-seated values and on the possible consequences of an action. With the theoretical basis of the Signal Detection Theory (Swets, 1961) the GADM considers the concept and measurement of threshold levels in deconstructing the connection between risk assessment and decision making. In this model the distinction is made between the different factors used for the assessment and those that impact the threshold for action.

A General Model for Assessing the Situation and **Deciding** what to do about it – *Dalgleish*

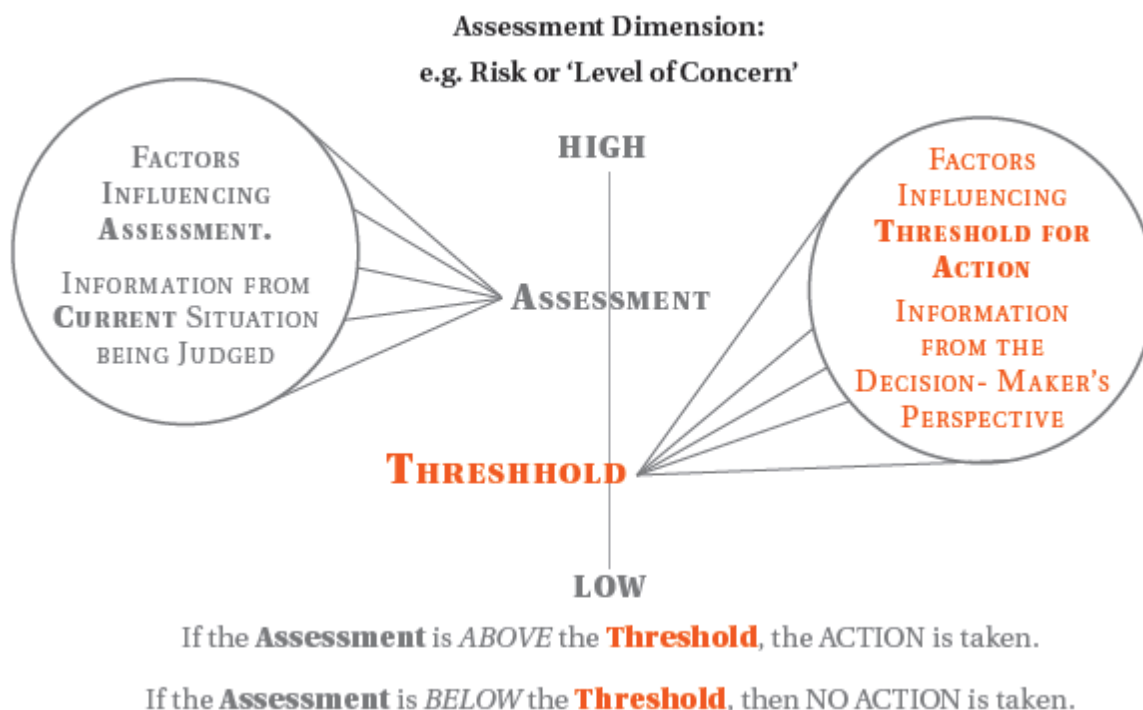


Figure 6: A General Model Model for Assessing the Situation and deciding what to do about it (Baumann, Dalgleish, Fluke & Kern, 2011, p. 7)

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Parental criminal history is a case level variable that plays a part in the CPS workers' decision-making processes but its impact is not clearly understood. The DME lays an important foundation in conceptualizing the role criminal history plays in the CPS workers' decision-making processes. The domains in the DME framework provide a context in which the workers' decisions are explored. Parental criminal behavior impacts CPS workers decisions on multiple levels: an individual one in which the personal experiences, attitudes, and education of the worker influence how they understand how criminal behavior and its influences child

maltreatment, on an organizational level where the worker may be influenced by how their supervisor and organizational culture view and understand criminal behavior, and on the external level where the worker is impacted by community ideas of criminal behavior and its role in parenting and child maltreatment. The interplay of these factors as well as Dalglish's (2003) threshold model provides the framework in which the understanding of the tipping point at which CPS workers make a removal decision. The grounded theory analysis of face-to-face interviews in this study will illuminate how a parental criminal history interacts with the ecological context of the child welfare system in making the decision of removing the child from their family.

IV. METHOD

Child Protective Services (CPS) workers routinely make critical decisions about whether children are safe in their homes. The decision to remove a child from his/her home is the most intrusive intervention the state can make in a family and sets the family on a trajectory towards increased involvement with the courts and the child welfare system (Lindsey, 2004; Runyan, et al., 1981). Currently, not much is known about how maternal criminal history is used in the removal decision making process. This study will use grounded theory as a core methodology as it considers the process with which CPS workers make sense of criminal history information and utilize it when deciding if children should be removed from the home and placed in substitute care. How workers derive meaning from this criminal behavior in terms of their interaction with the community (i.e., utilizing supportive people and institutions), assumptions about a mother's proclivity to commit additional crimes and/or continue to be a threat to family members (particularly children), and perceptions of criminal behavior as a risk factor for child maltreatment may be particularly important in this decision making process. This chapter begins with a description of the research method, followed by information about the context and selection of participants, data collection process, and the analysis plan.

A. Research Method

The goal of a grounded theory study is to move beyond the description of a phenomenon and represent the complex, dynamic environment of child welfare practice (Creswell, 2012; Padgett, 2008). This exploratory research method will allow this study to help explain child welfare practice and provide a framework for future research (Creswell, 2012). As very little is known about how maternal criminal history is used in CPS workers' decision-making processes, grounded theory can provide a structural framework for this exploratory work.

Grounded theory is an inductive analytic research methodology used to build theory from case study research. Developed in the 1960s as an alternative to the dominant and more prevalent positivist research, grounded theory is elastic, allowing a researcher to collect and analyze data in various ways that are shaped by the research question (Alston & Bowles, 2012; Strauss & Corbin, 1998). Glaser and Strauss define grounded theory as

...the development of a systematic understanding which is clearly recognizable and understandable to the members of the setting and which is done as much as possible in their own terms; yet is more systematic, and necessarily more verbal, than they would generally be capable of expressing. It uses their words, ideas and methods of expression wherever possible, but cautiously goes beyond these (1968, pp. 124-5).

Grounded theory encompasses a set of research processes that lead to the emergence of conceptual categories (Strauss, 1987). It uses written text as data and makes comparisons within the data to build theory. Concepts and categories emerge from these comparisons of data, aiding in the discovery of patterns (Strauss, 2012). As the researcher moves from collecting data to the analysis in a methodical manner, questions may arise which lead the researcher to generate additional categories (Strauss & Corbin, 1998). The emergence of theoretical categories and patterns is based solely on the evidence gleaned from the data. Themes and patterns are used to build an initial understanding of complex contextual interactions. The researcher, in the theoretical explanation of the data, relates these concepts and categories to each other. (Eisenhardt, 1989; Strauss, 1987; Strauss & Corbin, 1998). Rather than being fully defined at inception, areas for further exploration will emerge as the project progresses (Strauss & Corbin, 1998). Berg (2007) posited that grounded theory answers questions about the kinds of things that are present, the relationships between them, and natural groupings among them. Throughout the study, the researcher must suspend preconceptions and remain open to the concepts that emerge from the data.

1. Interview Project

This study is an analysis of 16 face-to-face, semi-structured, intensive interviews with (CPS) workers to learn how they use maternal criminal behavior and history information in arriving at a decision about whether or not to remove a child from his/her home. An intensive interview allows the researcher to explore a particular topic or experience, requesting reflections and more complex answers to posed questions (Charmaz, 2006; Knox & Burkard, 2009). In this case, the interview serves as the context in which the CPS worker can “think out loud” through his/her assessment process of three presented case vignettes. After this period of reflection, a series of open-ended questions are used to further explore the decision making process. These interviews provide an avenue into understanding how CPS workers use information in decision-making (Brinkmann & Kvale, 2014; Rubin & Rubin, 2012). The study aims to discover themes and patterns of CPS workers’ decision-making processes in order to build an initial understanding of the framework in which a CPS worker considers maternal criminal history in removing the child from the family (Strauss, 1987; Strauss & Corbin, 1998).

In this interview research project, the researcher also seeks to explore the multi-layered, contextual boundaries of experience and perception of the selected participants in a particular identified process (Gubrium et al. 2012; Lee, Sobeck, Djelaj & Agius, 2013). To better understand how the CPS worker uses maternal criminal history in deciding whether or not to remove a child from his/her family, the interview provided scenarios similar to those found in their normal investigative work environment. The CPS workers were then prompted to “think-out-loud” through the risk and safety factors found in these fictitious families (Brinkmann & Kvale, 2014; Charmaz, 2006; Rubin & Rubin, 2012). The decision to remove a child is complex and the interview environment helps elucidate and articulate the perspective of the CPS worker.

It also allows the researcher to request details about a particular topic raised, question participants' statements, and repeat statements back to the participant to ensure they have been understood correctly (Charmaz, 2006; Gubrium et. al., 2012).

2. Reflexivity

Qualitative research is a fundamentally interpretative endeavor that impacts the participants, the reader, and the researcher. One of the challenges is the possible bias of the researcher and she must be aware of her opinions and experiences so that substantive theory may emerge untainted (Creswell, 2012; Padgett, 2008). Reflexivity is the ability to observe, scrutinize, and examine oneself (Padgett, 1998, 2008). How the researcher attends, relates, and writes about the information is a function of her cultural, social, gender, class, and personal politics (Creswell, 2012). The concern is not that the researcher may hold biases that will affect how she approaches the material, but rather is the recognition of those biases and how they will be documented and acknowledged in the study (Agar, 1980 in Padgett, 2008; Gilgun, 2011).

This researcher has had over twenty years experience in the child welfare field, as a child welfare worker, a supervisor, and an administrator. This theoretical sensitivity was key in engaging the participants in the interview process and again in the data analysis although it did present some challenges. It was important for her to use bracketing in order to maintain the role of a researcher, an outsider, rather than assume the role of supervisor or administrator as the CPS workers considered their assessment of the presented vignettes (Glaser, 1978; Luckerhoff & Guillemette, 2011; Strauss & Corbin, 1998).

This was especially difficult in two different kinds of situations during the interview process. One type of situation occurred when a participant would look to me for approval of his/her removal decision. In this situation, I mentally stepped back from the interaction, became

very aware of this dynamic between myself and the participant, and refrained from any kind of non-verbal behaviors that might suggest that the participant should modify his/her decision. I also did not direct the participant's attention to case particulars that they may have overlooked in his/her assessment. As I anticipated this might be an issue when I began the interview process, I felt prepared to modify my reactions and behavior towards the participant when this situation arose. What was much more difficult in the first instance where the participant's decision and the rationale they provided for that decision differed substantially from my own. I felt an unanticipated immediate desire to slip into the role of supervisor and discuss the particulars of the case with the participant. By consciously bracketing my administrator's perspective, mentally stepping back into the role of researcher, the experience of learning from the participant's different view not only maintained my role as a researcher, but greatly informed my responses during the interview and during the data analysis.

Each participant was very thoughtful in reading the vignettes (often taking notes either in the margins or asking for paper on which to write) and carefully considered the family circumstances. This made it much easier to abstain from directing the CPS worker's attention to certain details. A log was kept throughout the data collection process to document the reactions of participants to the study, the researcher's reflections of the interviews, and initial perceptions of the data being collected.

B. Decision Making in CPS Investigations

Through face-to-face interviews, this study is an exploratory qualitative analyses of the manner in which CPS workers make removal decisions. Information about the District of Columbia, how criminal histories are obtained and managed, and how child maltreatment

investigations are handled in this particular jurisdiction are described. The rationale behind using vignettes in face-to-face interviews will then be discussed.

C. The District of Columbia

The District of Columbia, the nation's capital, is a very unique jurisdiction in the nation as well as within the population of child welfare agencies across the country. It has a population of 646,449 ranking it as the 23rd largest city in the United States with a proposed budget of \$10.7 billion dollar budget (<http://budget.dc.gov/>). An elected mayor and a 13-member council govern the District, but the United States Congress is the ultimate authority over the city and may overturn its laws. Although the crime rate has decreased since it was known as the murder capital of the nation in the 1970s, crime remains a central concern to the community. The crime rate of the District, including both violent and property crimes was 5.491 per 100,000 people in 2013 (Metropolitan Police Department Annual Report, 2013).

1. Child Welfare in the District of Columbia

Children and Family Services Agency (CFSA) is the agency within the District of Columbia government with the CFSA director serving as a member of the mayor's cabinet. CFSA's budget in 2014 of \$237,643,927 and employ 817 full time people (Gray, V., 2014). CFSA is the agency in this jurisdiction designated to receive Title IV-E funding from the federal government designating it as being responsible for either funding or providing services for children that are reported maltreated in the District of Columbia. According to their annual report and website, the mission of CFSA "is to promote the safety, permanence, and well-being of children and families in the District of Columbia" (CFSA Annual Report, 2013, p.2). CFSA has four major purposes: to investigate reports of maltreatment, assist families in keeping their

children safe while connecting them with community services, provide safe out-of home care, and establish permanent homes for children in the system's care. The agency also performs foster and kinship licensing, family assessments (a part of their differential response model) adoptions and out of home foster care (CFSA 2012 Annual Report, 2012).

CFSA is made up of three program divisions. The Child Protective Services Administration is one of three agency program divisions within the Office of Entry Services; the other two are the Family Assessment Administration (a Differential Response program) and the Health Services Administration. The other two major divisions in the agency are the Office of Community Partnerships and the Office of Program Operations. The Office of the Director includes the Offices of Youth Empowerment and Well-Being. The Child Protective Services Administration is a twenty-four hour/seven day a week protective services program that includes the "hotline" for the reporting of children who are suspected to be victims of child maltreatment (CFSA Policy Unit and Policy Development, 2014, pp. 1-2). These reports prompt comprehensive investigative responses in order to ascertain whether child maltreatment has occurred and to remove a child from their home if necessary (FY 2014 Performance Plan, 2014).

a. Child Protective Services Investigations

In 2012, CFSA served a total of 3,360 individuals in their Office of Program Operations, received 13,028 hotline calls, and completed 7,047 investigations that represented 2,141 unique victims. In making the decision about whether or not maltreatment occurred in a family, CFSA designates investigative cases as either confirmed or unconfirmed. Confirmed investigations are those in which, based on credible evidence, CPS staff conclude that abuse or neglect occurred (DHHS, 2012).

One of two pathways for child maltreatment reports is the more traditional child protective service investigation. The investigative pathway is for families who have a “severe” child physical or sexual abuse allegation. Families who have been determined to have a low or moderate level of risk are referred to the Family Assessment program (Child and Family Services Agency, 2014). As the level of maltreatment severity is not specifically defined, the vignettes in this project will all contain allegations that would more than likely fall into the severe range so that a removal decision is a possibility. Reports may be not taken initially by the hotline because the provided information does not meet defined risk or maltreatment categories, there is insufficient information provided to locate the family, the alleged youth victim is over the age of 18, and/or the family is not a District of Columbia resident (Child and Family Services Agency, 2014).

Children removed from their homes because of maltreatment may be placed in a variety of settings during an investigation such as kinship care, foster care, and congregate care. For the purposes of this study, removal from the home is the only defining criteria used. The particular placement that is selected for the children will not be a factor in this study.

b. Criminal History and Maltreatment Investigations.

CFSA does not obtain the parents’ criminal history through any formal mechanism during the taking of a hotline call or throughout an investigation. A criminal history is not mandated in the completion of a CPS investigation by the agency. Information regarding the criminal history of either parent may or may not be found in the case record. The recording of criminal history information is dependent on the particular CPS worker and/or ongoing caseworker (H.R. Barber, personal conversation, September 10, 2014).

D. Participant Sample

The sampling frame for the study is a purposive, convenience sample. Miles, Huberman & Saldaña (2014) discuss two elements, which can be oppositional in nature, needed in sampling for qualitative research. The first is to define the aspects of the cases that speak directly to the research questions and can be studied within the time and resource limitations imposed. The second is to construct a frame to help find, affirm and/or select the basic constructs that will support the study. In keeping with these two elements, decisions about this project's sample were made.

In consideration of the first element discussed by Miles et al. (2014), the child welfare agency, Child and Family Service Agency (CFSA), in the District of Columbia was chosen due to the researcher's familiarity with their administrative staff, the agency's amenability to participating in the study, and their interest in the research questions and project outcome. The second element discussed is the construction of a sampling frame to help find, affirm and/or select the basic constructs that will support the study. This is illustrated by the following sampling criteria.

The participants in this project are child protective services workers that are employed in the Child Protective Services Administration of CFSA and are acting in the capacity of child protective service investigators at the time of the study. Participation in the study was voluntary and open to all CPS workers. Information about the study was shared at a staff meeting of all of the CPS supervisors and administrators. One of the supervisors sent out an email to all of the CPS workers in the agency announcing the dates and times of the interviews. Two different administrative assistants coordinated the interview work. I did not speak to or see any supervisor

or administrator during my time at the agency. It is believed that the CPS workers participated in the study voluntarily and without administrative coercion.

Interviews continued until theoretical saturation was met. All of the workers in the CFSA system are required to be licensed social workers in the District of Columbia and have masters' degrees from Council on Social Work Education accredited university programs (DC Initial Design and Implementation Report, 2013). All of the participants were so credentialed.

1. Size of Participant Sample

The adequacy of a sample in a qualitative study does not follow the same probability rules as it does in quantitative research. Sandelowski (1995, p.183) emphasized that "...an adequate sample size is one that permits – by virtue of not being too large – the deep, case-oriented analysis that is a hallmark of all qualitative inquiry, and that results in – by virtue of not being too small – a new and richly textured understanding of experience." The sample size is based on the need to reach saturation. Saturation, as defined by Sandelowski, is not seeing anything new in the additional participants being interviewed (1995). There is concern about knowing when saturation has been reached; is it simply that the researcher is not seeing anything new that she did not expect? The importance and adequacy of sampling is case oriented and aims to understand the phenomenon of interest in its complexity.

This researcher determined saturation had been achieved after twelve participants had been interviewed. The CPS workers' assessments began to mirror one another's at the time of the twelfth interview. It was important to interview more CPS workers to ascertain that the interviews had not simply fulfilled the researcher's expectations. For this reason, four additional workers were interviewed after saturation had been met.

2. Participant Recruitment

The child protective service workers were recruited from teams in the Child Protective Services Unit. CFSA administrators and the CFSA Institutional Review Board (IRB) approved the participation of any CPS worker who wished to be interviewed. At the request of the Deputy Assistant for Child Protection Services this researcher presented her research proposal at the Protective Services Management Team meeting. Recruitment flyers and the Informational Sheet (see Appendices A and B for a copy of both documents) were given to all of the supervisors. At this time one of the supervisors volunteered to coordinate participant involvement for the entire project. She coordinated the recruitment of participants through the other supervisors providing them with the date, time and location of the interviews through email communication.

E. Data Collection

The data was gathered through individual, face-to-face interviews with 16 self-selected child protective services workers over the period of one week. All participants gave informed consent. The interviews took place at CFSA offices and were conducted until the researcher felt theoretical saturation was met. Theoretical saturation was met at the end of the 12th interview. Four additional workers were interviewed after this point to ascertain that the interviews had not simply fulfilled the researcher's expectations.

One of the keys to obtaining good data throughout the interview process is to select a location for the interview that is convenient, comfortable, and safe for the participant. It should also be quiet and free from distractions (Platt, 2002; Warren & Karner in Gibrium & Holstein, 2002). Participant interviews were completed during working hours at two different office sites that house the agency's CPS teams. The first set of interviews took place at the off-site location, an office co-located with several sister community agencies in a residential neighborhood in the

District of Columbia. At the off-site location the interviews were held in a private conference room where the CPS workers could enter from an outside hallway. The second set of interviews was held at the Main Office Site in a private office space. In this site, the room designated for the interviews was on the floor above the CPS workers' offices. Both spaces afforded privacy and confidentiality to the participants during the interviews.

At the beginning of the interview, informed consent was obtained from each participant (see Appendix B for the Informational Sheet used as the consent document). A number that was assigned to them when they agreed to participate in the research identified participants.

Demographic information was solicited from each participant and recorded in an Excel spreadsheet labeled solely by interview number. This descriptive demographic data is used to describe the sample and is not linked to any participant or transcript (Khoo et al., 2002).

Demographic questions included the gender, age, ethnicity, and highest academic degree earned by each participant. Information about their experience (in years) in social work, child welfare, and as a child protective services worker was also documented. At the conclusion of the interview, the participating CPS workers were given a \$25.00 Starbucks gift card as a token of gratitude and appreciation for their participation.

The interviews were digitally recorded and uploaded to Box.com, a secure web based storage site, on the same day as the interview. The digital recorder remained in the personal possession of the researcher until all of the interviews had been completed and transcribed. The interviews were transcribed verbatim into Word documents by the researcher within five days of the interviews. The original audio files were deleted following their transcription. For added security, the digital storage card that was used in the audio recorder was also destroyed. The transcribed interviews were stored on Box.com.

F. Vignette Construction

The three vignettes used in this project mirrored the three subtypes of criminal histories identified in a prior study analyzing data from the National Survey of Child and Adolescent Well-Being (NSCAW) data: (1) mothers with more extensive arrest histories, (2) mothers with past criminal histories, and (3) mothers relatively older when they were first arrested (Phillips & Erkanli, 2008). At the time of the maltreatment allegation, the mother in the first vignette is on probation. In the events leading to the maltreatment investigation, the mother is arrested for disorderly conduct and being intoxicated (protracted arrest history). In the second vignette the mother has a past criminal history having been incarcerated for attempted robbery, resisting arrest and possession of stolen property several years before this current allegation. In the third vignette, the mother was older when she was arrested for disorderly conduct and shoplifting two years ago, she was arrested with the child in the car in the recent past, and the police have been at her home twice over the last several months.

Case characteristics vary in different research studies looking at decision-making and risk assessment depending on the research questions and particular interests of the researcher. The ones chosen here, based on the literature, were determined to be particularly relevant to the decision to remove a child from his/her home (Creswell, 2003).

The details of the children and families featured in the vignettes were initially crafted by the researcher based on characteristics of the population seen in the Adoption & Foster Care Analysis and Reporting System (AFCARS) data (US DHHS, 2013). AFCARS is a data system whereby the Children's Bureau collects individual case-level data from all state child welfare and tribal agencies receiving federal funding authorized under title IV-E of the Social Security Act (CFR) at 45 CFR parts 1355, 1356, and 1357 (US DHHS, 2013). This data includes

demographic characteristics of all children who have been placed in foster care, their corresponding allegations of maltreatment, as well as historical and current placement information. Each state and/or tribe submits this data every six months to the federal government (US DHHS, 2013).

The researcher crafted vignettes using common characteristics of children placed in foster care found in the AFCARS data. Details of the child maltreatment and family setting were not identical to each other, but analogous enough to warrant similar risk assessments (Taylor, 2006). Each vignette had an identified child who was latency age and had visible marks resulting from physical abuse by a parent. In each vignette concern about this identified child had been expressed by either a teacher or an after school provided. This information was included in the report. Each child's family was known to the agency prior to the report in this vignette due to having had a previously open, in-home, case.

The case vignettes were reviewed by a CFSA supervisor (the same individual who assisted with recruitment activities) to ensure that they were compatible with cases routinely seen in the District of Columbia and provided a stimulus that would be as meaningful and realistic as possible (Crafter et al., 2010). Subsequent to her review, modifications to the case particulars were made so that the vignettes more accurately reflected the families that CFSA works with in the District of Columbia (Weisman & Brosigole, 1994 in Hughes & Huby, 2001). The supervisor reviewed the modified vignettes and found that they reflected family cases that were routinely investigated by the agency. Additionally, without prompting, six of the participants stated the vignettes were representative of the cases they had investigated.

G. Interview Protocol

Following the consent process and the collection of initial demographic information, the participants were presented with three vignettes in succession. The participants read each vignette silently and were asked first if they would remove the child and then to think out loud through their decision-making process. The interviews took between 35 and 65 minutes. The participants had as long as they wanted to read, assess, and discuss the case.

It is important that the questions in an interview for a qualitative project prompt the participant to more fully explore the topic at hand rather than act as a method of interrogation (Charmaz, 2006). The participants were encouraged to speak freely, with questions asked by the researcher only for clarification, and/or about their assessment of the family in the vignette. At the conclusion of their assessment and after they have made a decision of whether or not to remove the child, several questions were then posed to elicit more specific information from the participants' assessments of the vignette and to ensure that the participants' remarks were clearly understood.

- What specifics of the case situation led you to make this decision?
- What do you see as risk factors? Safety issues?
- How did you weigh each of the risk/safety factors in your decision making process?
- What factors did not contribute to your decision? Why not? What would have had to be different about the case for you to have made another decision?
- What factors in the vignette stand out to you? Why?

If not discussed, inquire about how the criminal history impacted the participants' decision.

At the conclusion of the participants' assessments, the researcher explained the purpose of her research to them. This was done at the end of the interview to ensure that the focus of the study did not unduly influence the participants to use the criminal history in their decision-making if they would have not otherwise done so. All of the participants commented on the research, some referring back to the vignettes to highlight certain aspects of their assessment, their investigative work with other families, and their experience while employed at the agency. After the first interview, this discussion was captured (for the remaining 15 subjects) on the recording, transcribed, and analyzed in this project. Unbeknownst to the researcher that the participants would continue a relevant discussion, after the first interview she shut off the audio recorder immediately after the participant concluded her assessment of the third vignette. The first participant's comments were not captured nor analyzed.

H. Data Analysis

Grounded theory is considered a method of qualitative research rather than a specific collection of prescribed steps (Creswell, 2003; Glaser & Strauss, 1968; Padgett, 2008; Silverman, 2001; Strauss & Corbin, 1998). This aptly describes the data analysis that was completed for this study. All of the data analysis was completed in ATLAS.ti. Prior to the commencement of coding, a structure was imposed on the data by organizing the transcripts into document groups. This was done so that these groups could be used as filters in later analysis efforts (Frieze, 2014, p. 118). At the beginning of the analysis, it was unclear as to which participant factors would be important in the analysis, so the documents were sorted into groups based on the demographic variables solicited from the participants: age, experience in years in social work, child welfare and as a child protective service investigator, gender, and race/ethnicity identification. Information about the kind of Master's degree each participant had

earned was solicited. This category was dropped as a grouping variable as all of the participants had earned a Master's Degree in Social Work (MSW). This level of detail in the grouping was done so that the documents and codes could be sorted and filtered as the theoretical concepts emerged (Frieze, 2014; Saldaña, 2013).

1. Initial Coding Analysis

The analysis began by dividing the transcripts into two equal groups of eight. These groups were formed by placing the first eight interviews (determined chronologically by time and date of the interview) in the first group and the second eight in the second group. With the goal of synthesizing the coding with the study's conceptual framework, the Decision Making Ecology (Baumann et al., 2011) and the defined research questions, hypothesis coding was used as the first method of coding. Five provisional code groupings were specified before the coding began (Miles, Huberman, & Saldana 2014; Frieze, 2014). These were: case factors, decision maker factors, criminal history, organizational factors, and external factors. These code groupings formed the framework in which the first cycle of analysis was conducted.

Initial coding was completed by going through the first eight transcripts line by line (Creswell, 2012; Fitch, 2006; Peacock & Paul-Ward, 2006; Saldana, 2013, p. 103). A mixture of in vivo, pattern, and process coding was used to describe, name, capture the content, nuances, and possible developing categories in the data in an effort to extract meaning from the data (Saldana, 2013, p. 100; Frieze, 2014, 1p. 7). Forty-nine codes were defined during this step and used as the basis for the line by line coding of the second group of eight transcripts. Project, idea, and code memos were created throughout this process to document concept and theme development (Glaser & Strauss, 1967; Holton, 2007; Miles et al., 2014).

Once all 16 transcripts were initially coded, code definitions were edited and revised to reflect the understandings derived through all of the first cycle coding analysis. Some repetition was found and consequently data from six of the codes was recoded and these codes were deleted from this original list. All 16 documents were reviewed and coded again with this new set of 43 codes.

2. Second Cycle Coding Analysis.

Axial coding was used as the second coding method to begin to condense the large number of codes into a smaller number of thematic categories and build a cognitive map that allowed for common themes, social networks and patterns of decision-making to emerge (Saldaña, 2013; Miles et al., 2014). The 43 codes were reconfigured into a more select list of 27 codes that fell under six “meta-codes” labeled as case factors (CF – 5 codes), criminal history and behavior (CH - 6 codes), outcomes (OUT – 2 coded), decision-making factors (DM – 2 codes), Nexus (DP – 2 codes), external factors (EX – 8 codes), and organizational factors (ORG – 2 codes). The codebook was amended to reflect the ongoing analysis (see Appendix C for the final codebook used in the analysis). The data was then recoded using these 27 codes until saturation was achieved (Strauss & Corbin, 1998, p. 136 in Saldaña, 2013). Core issues were separated from peripheral themes. Network diagrams in ATLAS.ti and in the researcher’s sketchpad aided in extracting the essence and narrative from the data to the surface (Holton, 2007; Miles et al., 2014). The diagrams, sketches, and network maps served as heuristics to examine the intricacy of relationships among the major elements of the project (Clark, 2005 in Saldaña, 2013).

3. Theoretical Coding

The themes identified in the data were prioritized as to their impact, salience, and centrality to the research question. Theoretical coding provided the framework in which to reflect on the dominant codes and categories developed during the second cycle of coding during data analysis. Thematic memos, meta-codes, concept networks, and diagrams were used to create an analytical narrative from the data and a network diagram integrating the codes to form a theoretical structure.

4. Rigor

In considering the rigor of a qualitative inquiry, the credibility of the research depends on the “rigorous methods of fieldwork, on the credibility of the researcher, and on the fundamental appreciation of naturalistic inquiry, qualitative methods, inductive analysis, purposeful sampling and holistic thinking” (Patton, 2002 in Marshall & Rossman, 2011, p. 250). Following the same desire for rigor, Lincoln and Guba (1985) substitute the terms reliability and validity for trustworthiness. Different mechanisms were employed in this study to enhance and ensure that this study was designed and executed ethically and that its finding truly represent the experiences of the CPS workers in the District of Columbia.

To ensure the validity of this project and better “capture the essence” of the CPS workers’ decision-making processes, workers were asked to respond to vignettes that mirror the cases they regularly investigate (Spalding & Phillips, 2007). CFSA workers operate under the same agency procedures, in the same communities/neighborhoods, and within the same organizational cultural context. Therefore, by interviewing multiple workers from the same agency, any differences seen will be the result of differences in their decision-making rather than the environment in which they work.

Prolonged engagement with research participants lessens reactivity and respondent bias (Padgett, 2008). Although the interviews occurred over a one-week period, the researcher's engagement with the agency occurred over a longer period of time, as they were interested and committed to the research project. This interest allowed for an extended period of engagement with agency administrators about the content of the research project, child protective service work in the community, and use of criminal history information in investigations.

5. Convergent Validity

Padgett (2008) and Friese (2014) both recommend using other coders to evaluate inter-coder reliability and, more importantly, examine those areas of disagreement through discussion. This is done in order to evaluate whether the disagreement is the result of an unclear definition for a particular code or if there is deeper disagreement about the meaning of a code in relation to a particular section of content.

To test for inter-rater reliability, two other researchers were asked to code a sample of transcripts. One researcher coded three different transcripts using the first version of the codebook. Taking into consideration the first researcher's feedback and differences in coding, certain code definitions were refined to better reflect the code and the data it defined. A second researcher used the refined codebook in reviewing three additional transcripts.

Although there was minimal disagreement of coded data, disagreements between coding were resolved through extensive discussion with both researchers. This discussion revealed that coding discrepancies were a result of using a different code within the same larger category rather than a disagreement with the meaning of the content. Consensus coding was reached following the discussion.

6. Audit Trail

An audit trail is an aspect of accountability that allows the researcher to discuss decisions made during data analysis (Padgett, 2008). For this study, three distinct but interlaced audit trails were kept throughout the analysis and writing of this dissertation. First, a log was kept during the participant interviews to capture observations about the interviews, participants, and data being gathered. This log was maintained during the transcription of the interviews to capture initial thoughts about code development (Reinharz, 1997). Secondly, a research journal was kept using the memo function in ATLAS.ti. This journal was maintained throughout the analysis. Notes were made as to on-going questions, descriptions of codes, code interactions, and thematic conceptualizations (Friese, 2014; Saldaña, 2013). The research journal was also used to track observations of personal assumptions, positionality, and tensions with the researcher's personal values, attitudes, and belief systems. Lastly, apart from the research journal, a sketchpad was kept to document the ongoing theoretical development of the modified conceptual framework. These sketches were dated and modified as the analysis progressed. The visual diagrams were important companions to the research journal as the analytical process deepened.

In addition to the research journal, idea, thematic and coding memos were written detailing concepts and insights throughout the analysis. These memos were attached to specific codes, quotations, or network analysis through the ATLAS.ti software (Bernard & Ryan, 2010; Charmaz, 2000; Friese, 2014; Glaser, 1978). These notes were not meant to outline a 'procedure' for another researcher to follow, but rather for transparency, allowing another researcher to understand the analysis in order to confirm the findings (Padgett, 2008).

7. Peer Support and Debriefing

Peer debriefing and research support enhances the rigor through regular conversation and discussion with fellow researchers (Padgett, Mathew, & Conte, 2004 in Padgett, 2008). The peer support group serves to help the researcher be more self-reflexive (Padgett, 2008). Peer support and consultation occurred with a small group of three researchers at the researcher's place of employment, two of which had conducted similar qualitative interview dissertation projects. The consultation centered on code and theme development. This consultation occurred throughout the data collection and analysis phases of the project.

I. Human Subject Protections

The undertaking of an interview research project where personal interactions form the core of the data brings forth ethical questions as one takes information from a private interaction into a public space (Birch, Miller, Mauthner, & Jessop, J. (2002) in Brinkman & Kvale, 2015). The Institutional Review Board (IRB) of the University of Illinois at Chicago (Research Protocol # 2015-0041) and the internal CFSA Institutional Review Board approved the project (see Appendices D and E for IRB approval documents).

There were no direct benefits to the interview participants. However, the dialogue with the researcher may have been helpful to them in furthering their own understanding on how decisions are made about removing children from their homes. Four of the participants stated during the interview that they felt that discussing the rationale behind their decision-making processes was helpful and that they would like to engage in a similar process for the cases they investigate.

Ethical and human subject considerations are important in any research project but acutely so in a qualitative research endeavor where the language and emotions of the participants

are the essence of the knowledge being generated. The confidentiality of the participants was protected with the utmost security and the data collection and analysis are as representative of the information gathered as possible.

V. RESULTS

This chapter will describe the demographic characteristics of the sample and results of the data analysis of the face-to-face interviews with CPS workers who currently work in the District of Columbia.

A. Participant Sample

A purposive, convenience sample was used for this project. All CPS workers in the agency were eligible to participate. Sixteen CPS workers volunteered and were interviewed. All participants were current employees at the Child and Family Services Agency (CFSA) in the District of Columbia. All but one was functioning in the role of a CPS investigator at the time of the interview. The one participant who was not a CPS worker had been promoted to a supervisory position two weeks prior but had yet to function in that capacity. All of the participants had earned a Master's Degree in Social Work prior to beginning their work in the Child Protective Services Unit. One of the participants reported having a clinical social work license. Half of the sample (8 CPS workers) worked on teams that were housed in an off-site location. The other half of the participants worked out of the main site.

The demographics of the sample are described in Table 1. Seventy-five percent of the participants identified as female and they ranged in age from 26 to 57 years. Sixty-nine percent of them identified as black. Within that category, one identified as Nigerian-American, one as Ethiopian-American, one as Caribbean-American, and one as African. One participant chose not to provide ethnicity or race.

The participants had a range of experience in social work, child welfare, and as child protective services workers. The average number of years in the social work profession was 9.4, with a range of 2 to 22 years. The average number of years the participants had worked in child

welfare was 8.3 with a range that spanned from 2 to 20 years. The participants had spent between 1 and 16 years as a CPS worker. For seven participants, their experience as a CPS worker comprised all of their experience in child welfare.

I. Participant Demographic Information

Characteristic		
Age (years)	37.8	(10.4) ^a
Female (%)	75%	(12)
Race or ethnic group % (n)		
Black	69	(11)
Caucasian	25	(4)
Other	6	(1)
Masters' Degree % (n)		
MSW	100	(16)
Years of Experience		
Social Work	9.4	(6.0) ^a
Child Welfare	8.3	(22.8) ^a
CPS Worker	5.5	(4.4) ^a
Work Location % (n)		
Agency Main Site	50	(8)
Agency Community Site	50	(8)
^a Mean (SD)		

B. Data Analysis

The themes that emerged from the data were representative of the larger categories of factors in a way that was consistent with the Decision Making Ecology (DME) framework. The DME includes four categories that interact in different ways to influence decision-making: case factors, organizational factors, external factors, and decision maker factors (Baumann, Dagleish, Fluke & Kern 2011).

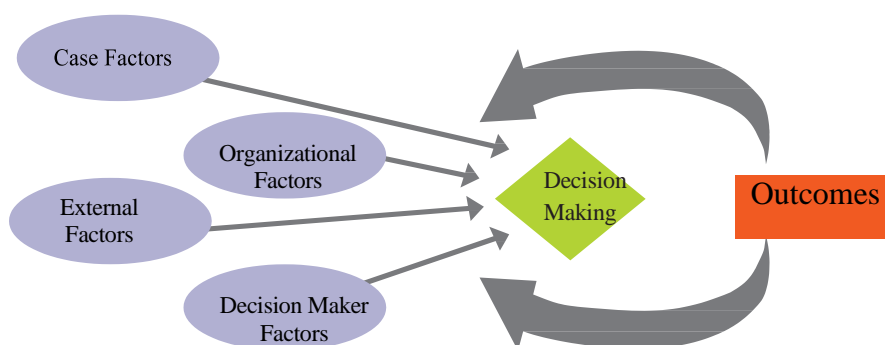


Figure 7: Decision Making Ecology (Baumann et al., 2011, p. 5)

Used by permission from the American Humane Society

Although these categories emerged from the data in a similar way, the behavior among them, leading up to the removal decision was unique. I observed that the interactions among them were dependent on the attributes of the community and organization from which the participants were drawn. After reviewing how the workers perceive case factors, such as child's age, domestic violence, and substance abuse, I will introduce how criminal history impacted the

removal decision in the three vignettes. I will discuss how the impact of this history was viewed through a lens comprised of organizational and external factors and how the decision maker factors that arose from the data influenced the participants' decision to remove. Lastly, the process in which the observed workers understood the case factors presented and used them to inform their decision will be explained.

C. Case Factors

Case factors are those elements of the case that are unique to a particular family. Although the vignettes contained only characteristics that were intentionally included, there were themes that arose within this category that were of note. They not only provide insight into the specific aspects of the vignettes that the CPS workers felt were important in their removal decisions, but also how the influence of these particular factors differed from the influence of maternal criminal history. In this section the themes present in case factors will be described first followed by the manner CPS workers used criminal history in their removal decisions. These themes describe the case factors that were used consistently by the participants in their decision-making. They included child factors, parent factors, the parents' past interaction with the agency, and visible marks of abuse. The relationships amongst the case factors are depicted in Figure 8.

Child Factors. The age of the child was seen as a serious risk factor in all three vignettes. Workers mentioned other aspects of the child's situation such as the exhibition of parentified behavior. However, none were as consistently identified as age.

He's eight years old. That's the major thing (Participant 22)

...and we're talking about age of the child, they're under ten, and interestingly I didn't see anyone under five you know, usually that age also it comes a lot. (Participant 20)

Although the physical abuse present in the second vignette led a majority of workers to decide to remove Henry, one of the children in the vignette, there was hesitation to do so among some participants. This hesitation arose due to concern for his sibling, Camille, and focused on two issues. First, there was tension between the concern for her physical safety and an agency policy change regarding the removal of siblings.

Camille would not be removed. Years ago we used remove sibling and say that they were similarly situated. The agency has taken the position, um, in conjunction with the Attorney General's office, that, there has to be imminent danger or some more immediate factors before that second child can be removed. (Participant 11)

Secondly, there was also tension between the need to remove Henry and the consideration for the safety of both Henry and Camille. Participants expressed that perhaps Henry should remain in the home as a protective factor for Camille, thereby lessening her risk for abuse.

I would be interested to see Henry and Camille, how they're very close, and just whether or not if Camille's not getting hit because Henry's always getting in the way. And so that would be interesting just to observe and identify... 'cause he could be the only protective capacity in this - for her. (Participant 9)

1. Parent Factors

Parent characteristics that were consistently identified as pertaining to their assessment and removal decision were substance abuse, domestic violence, and mental illness. Participants spoke of these characteristics as risk factors in and of themselves, not as factors that were influenced or mitigated by the family's environmental context. Domestic violence, both what was transpiring in the family at the time of the allegation and its history, was most often cited as a major risk factor.

So, um, but in this case it was between her and her boyfriend, and domestic violence does, is shown to have negative impacts on children who remain in a home with domestic violence....I know for domestic violence cases that we have, that's one of the first things I go to – do you have a history of domestic violence either with this woman, or with other women, or other people, or just a history with violence in general? (Participant 9)

In domestic violence situations, workers said they would turn to the criminal justice system to remove the offending parent in order to keep the rest of the family intact. Workers did not feel they had the authority to use the potential of removing the children as an impetus to persuade the abused parent to act to protect their child.

So I wouldn't leave the kids, like I would tell Mom or I don't have the ability to tell Mom, you need to put him out or get a restraining order and you take care of him because you haven't proven to protect them against him all this time. (Participant 8)

One participant stated her concerns that as an agency, more guidance and education was needed in working with families where there was domestic violence. Turning to the courts seemed like the only solution available to her.

And that is another area that we as an agency we need to work on. "Cuz sometimes we don't, it's not clear how to really address those issues other than a CPL (Civil Protection Order) order. (Participant 16)

When a family presented with both substance abuse and domestic violence behaviors, participants stated that it was the combination of the two that became the main safety concern and necessitated the removal of child.

Sadly enough...what stands out is the history of drug and alcohol abuse (Participant 11).

2. CPS History

Throughout their assessment of the three vignettes, participants reported that having a prior CPS case was a significant determinant in their decision to remove the child from the home. Participants reported that a family's lack of cooperation and failure to ameliorate the concerns identified when the case was previously open was viewed as a safety concern and provided a definite impetus to remove the child.

Exactly, because it would seem that this is a perpetual problem, that is not getting any better, and clearly with even services in place, it's not getting any better. And we don't know what those services could have been, she could have received a job, she could have gotten a number of things and just been connected, so I think the history probably would have swayed that decision... (Participant 9)

...and mother was not receptive to services, they tried before. So, I guess he has to be removed. (Participant 14)

However, one participant perceived the parent's cooperation with child protective services in the past as a protective attribute that would mitigate against the risk factors present in the family. Even though the family situation had deteriorated, the participant stated that stabilization of the family while the agency was involved was predictive of a similar positive outcome in the current situation.

I would keep Marcos in the home also because it does seem like his parents with the, um... with the ongoing services appeared more stable. And they were able to complete services, and they were willing to complete those services with Marcos ... (Participant 9).

3. Visible Marks of Abuse

The visible marks present on the children in each of the vignettes were stated to be a critical indication of imminent risk. It was a core component of each of the participants' assessments and often one of the core components in their decision to remove.

But the imminent issue is the physical abuse and marks. So, he's seen with a black eye, then once he goes out, he's seen with another black eye, he has fading bruises. (Participant 18)

I think that for me, the most important issue is whether the child has physical and noted injuries. That's definitely the most important risk factors. (Participant 11)

However, workers also stated that it was important to be able to *see* significant (and recent) visible bruises, marks, or open wounds on the children's bodies in order to justify removal. Information that the child had old bruises, or that the child reported to have been hit in past was not seen as sufficient evidence for removal. A history of physical abuse was not elevated to the same level of risk. To corroborate physical injuries from abuse and to evaluate a child's body for other injuries, workers reported that a forensic physician at a local children's hospital evaluates all children.

Nine times out of ten, if the injury has an open wound, depending on how significant it is, those would be the ones that would result in a removal. Having just a minor bruise, nine times out of ten, we are warning and counseling. (Participant 15)

And a lot of times if we get this and we actually see bruises on them, that makes a big difference also, 'Cause he says he gets hit once a week leaving bruises on his arms and legs so we would automatically start, we would do a body check to make sure if he has any marks or bruises and then get him medically examined and so they can determine you know, how old they are, or if he has any fractures or anything. Anytime a child says they get hit in the face I always get them examined because, because we not doctors and sometimes it be inner instead of outer. It's such a good point, so that could play a big part on it too if he is medically treated and they find all of these marks and bruises. So that we can remove for that. (Participant 7)

Although the marks of abuse were considered a clear safety concern by most of the participants, one participant did express some concern in being able to identify who/what had actually caused them.

...the black eye, it's not clear how he got it, so we're not exactly sure if the parents caused the black eye. (Participant 14)

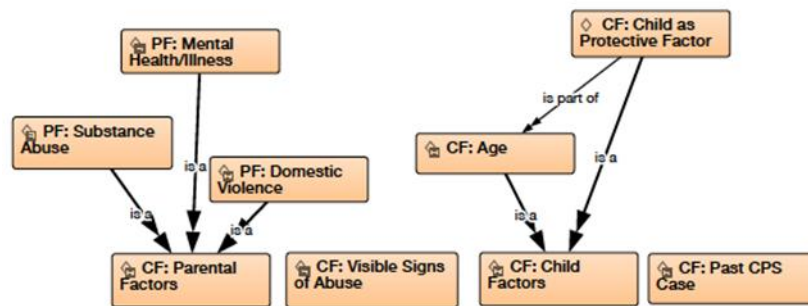


Figure 8: Themes within Case Factors

D. Criminal History

This section will presents the results as they relate to this and other research questions. The overarching research question guiding this study is presented first. This question undergirds all of the questions that follow.

RQ1: Does maternal criminal history influence CPS workers' decision to remove a child?

It depends. Maternal criminal history and behavior did not impact the assessment and decision-making process in the same way for every worker or for every vignette. Its presence and severity did not directly heighten or lower the worker's removal decision like other case factors, such as domestic violence and substance abuse. It was not a simple decision focused on a mother's specific criminal history and its perceived impact on the child in a particular family constellation. Rather it was a complex decision making process that was, at times, made based on factors that centered on external, organizational, and decision maker factors rather than the individual family circumstance. However, participants stated that if the criminal history included crimes against children, the criminal history would have played a much different role in their removal decision. The vignettes presented did not include mothers with a history of crimes against children. This section will address the themes that arose from the data that address the research questions and specifically how CPS workers evaluate and use maternal criminal history in each of the vignettes.

There were two overarching themes that describe the ways in which the participants evaluated criminal behavior: its impact on parenting, and the role that knowledge of the criminal history played in the CPS workers removal decisions. Each of these themes will be explained, followed by the analysis of each of the vignettes. Finally, the analysis of the themes that arose from the organizational, external, and decision maker factors and their impact on the removal decisions concludes this section.

RQ2: How do workers utilize information about criminal history/behavior to evaluate a parents' ability to adequately care for their child?

CPS workers expressed a need to think through the *impact of the criminal behavior on parenting* before deciding it was a risk factor that would be a part of their removal decision was the first and overarching theme. An important piece of being to assess the impact on parenting was knowing the particulars of the criminal history. These themes are described below and depicted in the Figure 9.

1. Impact of Parenting

There were differences in how workers viewed the impact of criminal behavior, but there was an overriding desire to understand its impact on parenting.

But I just need know what is that? How is that impacting? You know, does this have bearing on being parent, you know, and if it doesn't, but then I might have to like say straight and say well, you know, do you see what this is doing? How this is going to lead if you continue being a thief or what have you, you know. Then how robbery, stealing people's possessions, you might actually go to jail and then what's going to happen to your two children, you want somebody else to raise them? Or do you want this guy that is beating you up everyday to raise them. You know, that sort of thing. (Participant 12)

The criminal history really has nothing to do with the kid, to do with the kid's safety. Like I wouldn't look at the criminal history as it is speaking to Mom's ability to parent her kids...That not saying that you left the kids by themselves and because you were out robbing, you know, a store or being able, like lack of supervision...(Participant 8)

So, because an adult is involved in criminal activity, doesn't necessarily mean – obviously it endangers the child, but that adult could be selling drugs, but also be the most wonderful parent in the world. So while that definitely is a factor, and shows how an adult's actions impact a child and could potentially harm the child and could be thinking of either money, or acting out irrationally, um that not always impacts the child. (Participant 9)

There were three different pieces to how the CPS workers thought about criminal history's impact on parenting: its potential as a predictor of physical abuse of a child, as a risky lifestyle behavior that could put children in harm's way, or the criminal behavior could lead to neglect of the child. One participant stated that a charge of disorderly conduct could indicate that the

mother had a history of assault and this could be indicative of the continued physical abuse of her child.

The fact that she was arrested for disorderly conduct, so she does have probably a history of assault of other people, so I feel that's support in a way for Jamaal's disclosure of physical abuse, things being taken out on him. (Participant 13)

Criminal history and behavior was more commonly viewed as a sign of neglect.

So those crimes would definitely warrant a removal because the child is being neglected while in the commission of a crime. (Participant 11)

I guess one of my concerns is that in speaking with the parents during this investigation, it would have, you know, definitely asked about supervision. Where were the kids during this time? Who was watching them? Is this during the time that she, they had been missing school? Like were they missing school, like were they missing school because they were at home (while the mother was committing a crime). Supervision would have definitely been a question that would have been prioritized for me. (Participant 15)

Criminal history was also viewed as an indication of a risky lifestyle, which could also affect the mother's ability to parent.

Um, what is it that these are risk factors and this mother have this history, and of course we know you know, and I think she's single, right, she's a single mom? I may be sure, yeah so, she has a criminal history, she has been arrested for robbery, resisting arrest, possession of stolen property, so you know she's not there, you know, for whatever reason, she's engaged in this risky behavior lifestyle you know, (Participant 20)

a. Knowledge of Criminal History

Having the information about the criminal history was important to the CPS workers before they could evaluate its impact. The agency does not regularly obtain the criminal histories of either parent during an investigation. Participants stated that this was not much of a hindrance as they learned of parents' criminal history through other channels. At times it was simply asking for a release of information from the parent. Most frequently, CPS workers learn

of parents' criminal histories and behaviors when they jointly investigate a case with police officers. There was a prevailing belief amongst the CPS workers that if the police had been involved with a family, CFSA would also have been involved so that the criminal history information would have been readily available to them during the investigation. Reliable information about criminal history is also available for criminal activity that occurred in the District of Columbia through several Internet sites. CPS workers were familiar with those sites and used them as needed. The criminal history may have been documented by previous caseworkers and would be available through the agency's own case records.

Well in terms of her criminal history, I probably would, like, have her sign a consent to see exactly what is in it, but sounds like it's (---), could it be she's stealing to like, to umm, to umm, accommodate the habit of the drug or what have you? So I'm going to want to know what exactly the, how severe is this criminal record.... (Participant 12)

Yes, if a person (the former caseworker) documents well. It does come up. It does come up. Yes, anything the neglects, or why it came in, or the disposition, the allegations, all of that stuff is in the social history. So you can review the worker before, the investigation summary. You know, the social history, you know, their past. So, it's there. (Participant 16)

Oh yep, in the course of the investigation we would attempt to get the name of the probation officer so that we could find out about her history. But that's criminal, and if had anything to do with the child, and again, I can only speak of what I'm dealing with here in the District, here in DC. It would have been reported to us as well. So say she was out and she had drugs in her possession she was stopped, she was arrested, the kid was in her care, we would have gotten a call. (Participant 15)

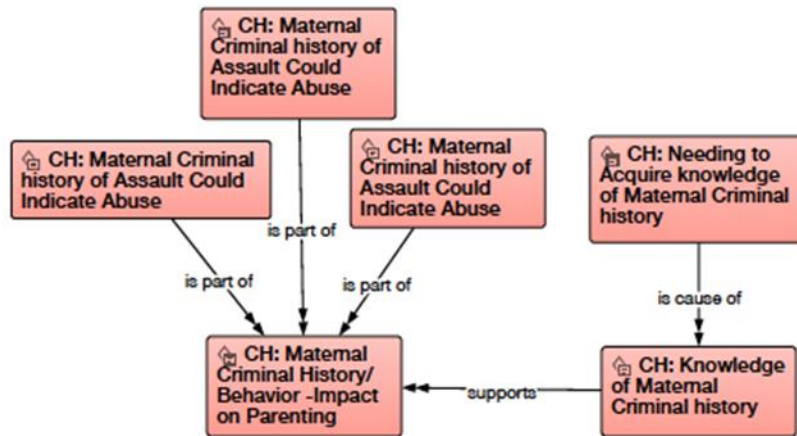


Figure 9: Impact of Criminal History on Parenting

2. Vignette Analysis

This analysis will respond specifically to two of the research questions as well as contribute to the understanding of the other two mentioned earlier in the section.

RQ3: Are CPS workers' decisions qualitatively different depending of the kind of criminal history/behavior that is present in the case?

RQ 4: Within the context of the other risk factors, how does criminal history/criminal behavior contribute to the CPS workers' threshold for action in the removal decision?

Three different vignettes were presented to the participants. The maternal criminal history depicted in each vignette represented one of three types of criminal behavior found in the analyses of the National Survey of Child and Adolescent Well-Being (NSCAW) data: (1) mothers with more extensive arrest histories, (2) mothers with criminal histories in the past, and

(3) mothers who were relatively older when they were first arrested (Phillips & Erkanli, 2008).

In this section, the results from each vignette are reported in succession.

1) Vignette One

This vignette portrays the first category of parental criminal history found within the child welfare population, those that have protracted arrest histories. The mother in this vignette (see Vignette #1 in the Participant Interview Guide in Appendix G) is on probation, having previously been arrested for disorderly conduct during an altercation with her boyfriend. The child in this vignette called 911 for help during this incident. Overall, 10 of 16 CPS workers decided to remove the child, the remaining six deciding to leave the child in the home. Of those ten, seven indicated that criminal history was an important risk factor in making their decision. Of the six that decided not to remove the child, only three of those felt that the criminal history was important.

II: Vignette One Results: Current involvement with the Criminal Justice System

Removal Decision	Criminal History Considered Important?		Total
	Yes	No	
Yes	7	3	10
No	3	3	6
Total	10	6	16

2) Removal Decisions

Ten CPS workers decided to remove the child in the first vignette. Seven of those felt the criminal history contributed to their decision, three did not. The situations where the CPS workers decided to remove are discussed first, followed by the ones who stated that the criminal history was not important in their removal decisions.

Among those that made the decision to remove, the presence of fresh, visible marks on the child's body, the child's age, and the maltreatment history played a large role in the decision. In removing the child, the mother's criminal history and behavior was important to seven of the participants. The charge of disorderly conduct was of concern in several ways. First, it corroborated the physical abuse suffered by the child.

The fact that she was arrested for disorderly conduct, so she does have probably a history of assault of other people, so I feel that's support in a way for Jamaal's disclosure of physical abuse, things being taken out on him (Participant 13).

Secondly, it suggested a pattern of making poor decisions.

So, um, the fact that she got arrested again. She has a substance abuse history. She has a criminal history, and she is continuing, she is continuing to make the same poor decisions. (Participant 17)

Finally, it highlighted the domestic violence.

Yes, so definitely the disorderly conduct fighting, even though they're considered little fight, for the fact that they're doing it in the presence of the child is concerning. (Participant 20)

Although the mother was not arrested or charged in the vignette, participants stated that the repeated police presence in the home that was focused on the parents' domestic violence and substance abuse problems posed an increased the risk to the child.

Umm, on a scale of 1 to 10, it would probably be a 7. So, um, but in this case it was between her and her boyfriend, and domestic violence does, is shown to have negative impacts on children who remain in a home with domestic violence. (Participant 9)

Three participants stated that parental criminal history was not important in their removal decision. In this situation, the CPS workers asked themselves whether the history was important to the situation that was occurring that day, during the *actual moment* they were conducting the investigation. Although they deemed the criminal history not to be important, the reason for the most current arrest did impact their decision. In this group only one dismissed the behavior almost entirely, reasoning that the interaction itself with the police could have led to the disorderly conduct charge.

So she was arrested for disorderly conduct. She very well may be disorderly when the police arrive to her home, and she had been drinking some beer, so that really – the other things were more salient. (Participant 21)

The other two participants of this group, although denying that the maternal criminal behavior contributed to their decision, described the contact with the criminal justice system as a contributing factor in bringing the case to the attention of the child welfare system. In that way, criminal behavior became a part of the overall family situation.

Although it sounds as if, it the being arrested, is what triggered, from what I understand all of this information to be, to be disclosed. If that would have never happened then we might not have known according to this. So, it wasn't the fact that she got arrested, but because she was arrested it seems as if this information was provided to us. (Participant 22)

Of this group of three workers who opted to remove, but felt that the criminal history/behavior was not important, this criminal behavior was seen as part of the environment

(i.e. an external factor) rather than characteristic of the parent (i.e. a parent factor).

I mean all; most of all have criminal histories. So if I always use that, it is always going to make it high risk. (Participant 16)

The workers who felt that the parental criminal history/behavior was an important part of their decision-making (including workers who decided to remove and those that decided not to remove) indicated that the agency's emphasis on keeping families together took precedent over their concern about all other factors. In general, most participants expressed ambivalence about the mother being on probation. Rather than seen as an indicator of a pattern of illegal behavior that could potentially pose a risk to the child, the participants viewed the presence of the probation officer in the home as potentially mitigating some of the risk.

".... but at least I know that there is some oversight of the family. I don't know to what extent or how often this probation officer is getting involved...maybe his role within the family, you know, is just primarily focused on mom." (Participant 19)

In instances where a removal was made, the oversight by and the mother's engagement with the probation officer might even lead to the child being placed back in the home by the juvenile court.

Because she is on probation too I mean... because someone is monitoring her criminal activity or making sure she is complying with the court so – she might even get stepped back after that. (Participant 7)

3) No-Removal Decisions

If the CPS worker's decision was not to remove the child, it was not just the criminal history that was deemed not to be sufficient. This group of six participants felt that the family

presented with many risk factors, which criminal history was deemed to be only one. Three of the CPS workers stated that they did not include the mother's criminal involvement in their decision to leave the child at home. However as a whole, they did not feel that there was evidence of imminent risk needed to make a removal decision in the District of Columbia and within their organization was met. When concluding that this combination of risk factors did not meet the defined criteria for imminent risk, one CPS worker expressed that her own belief about the need for a child to remain in his/her family was a critical component in her decision not to remove.

I think if a child belongs to their family, you know, I'm real big advocate of that. I mean unless it's serious imminent danger, so that's not going to be the first thing that comes to my mind that this child has to be removed. (Participant 12)

4) Summary

Ten of the 16 participants decide to remove the child in this vignette. Those who decided to remove the criminal history was seen as characteristic of the mother and a reflection of her ability to parent. For those participants that did not feel that the criminal history was relevant in their removal decision, the criminal history was viewed as more of an external factor, a characteristic of the particular community of parents that are involved in the child welfare system rather than a personal characteristic of the parent. Of the CPS workers who would not remove the child, the totality of the risk factors, including the criminal history, did meet the definition of imminent risk.

b. Vignette Two

This vignette portrays a mother that has a dated arrest history. In this vignette (see Vignette #2 in the Participant Interview Guide in Appendix G) the mother has been arrested for

attempted robbery, resisting arrest and possession of stolen property. She had been previously incarcerated and was on parole at the time of this most recent allegation.

The 12 participants who made the decision to remove did so without hesitation because of the freshness and location (the face) of the visible marks on the child. Participant 11 remarked that the nature of the abuse was so serious that he would discuss possible criminal charges with the police department.

Overall, 12 of the 16 CPS workers decided to remove the child, the remaining four decided to leave the child in the home. Of those 12, eight of the participants reported the mother's criminal history was an important risk factor in making their decision; the remaining four did not. The four participants that decided not to remove the child did not feel that the criminal history was an important factor in their decision.

III: Vignette 2 Results: Criminal History in the Distant Past

Removal Decision	Criminal History Considered Important?		Total
	Yes	No	
Yes	8	4	12
No	0	4	4
Total	8	8	16

1) Removal Decision

Of the 12 participants that decided to remove the child in this vignette, eight stated that the criminal history was important in their removal decision. These participants expressed concern over the nature and seriousness of the charges. They stated they would want to know more about the mother's experience with her parole officer and her level of cooperation with the services that were offered to her through the criminal justice system.

The charges, although property crimes in nature, were concerning to the participants for several reasons. The first was based on their knowledge of the police and court activity in the District of Columbia. They stated they were certain that if the mother had been incarcerated for these crimes, the circumstances must have been very serious. If the mother was involved in serious crimes, participants were concerned that if she were incarcerated again the children would be left with her abusive husband.

But I just need know what is that (the criminal record)? How is that impacting? You know, does this have bearing on being parent, you know, and if it doesn't, but then I might have to like say straight and say well, you know, do you see what this is doing? How this is going to lead if you continue being a thief or what have you, you know. Then how robbery, stealing people's possessions, you might actually go to jail and then what's going to happen to your two children, you want somebody else to raise them? Or do you want this guy that is beating you up every day to raise them. You know, that sort of thing. (Participant 12)

In the participants' experience many of the families they worked with often experienced negative interactions with police officers. Although many CPS workers felt that these interactions could have been avoided, they were common among the families they with whom they worked and so were not as concerned about that aspect of the mother's criminal history.

However, they stated they would want to know more about the circumstances of the crimes leading to her incarceration - the nature of these more serious crimes needed to be understood.

...because I do notice in our profession, while MPD plays a strong role in a lot of our families, some things do get heightened, in criminal charges when they don't necessarily need to, and so if the resisting arrest was, you know, if she bad-mouthed the cop, and he decided to arrest her, that's one thing, or the attempted robbery, you know, I mean, not necessarily like, putting that under the rug, but just doing due diligence to determine what exactly, umm, what each of these charges looked like when she was arrested and incarcerated. (Participant 9)

Secondly, participants were concerned that the mother's prior criminal activity may have been to support a drug habit and they wanted more information about how this kind of substance abuse would affect her parenting ability. The potential absence caused by the mother being incarcerated again and/or continued problems with substance abuse raised concern over her ability to protect her children from her abusive boyfriend.

But I just need know what is that (the criminal record)? How is that impacting? You know, does this have bearing on being parent, you know, and if it doesn't, but then I might have to like say straight and say well, you know, do you see what this is doing? How this is going to lead if you continue being a thief or what have you, you know. Then how robbery, stealing people's possessions, you might actually go to jail and then what's going to happen to your two children, you want somebody else to raise them? Or do you want this guy that is beating you up every day to raise them. You know, that sort of thing. (Participant 12)

Mirroring the concern about the parents' cooperation with the agency, participants stated they would like to know if the mother had worked well with the parole officer and completed the services that were offered through the criminal justice system. Although this information was not in the vignette, a participant speculated that perhaps the mother had not followed up with those services, as she appeared to continue to struggle with the same issues.

You know so if we've got CFSA offering referrals for therapy that she apparently did not follow up on, we don't know if she does, but she is still exhibiting those symptoms, and it's been court mandated, and she hasn't followed up, that just bolsters the argument that her mental health is impacting her ability to parent, which is secondary to the physical abuse. (Participant 18).

The remaining four participants who decided to remove the child stated that the criminal history was not important. However, the reasoning for this varied in three different ways. The first way, as with vignette #1, the CPS workers focused on what was happening in the moment of the current investigation and concluded that the criminal behavior was in the past. The mother had served her time and the crimes she had committed were not against children.

We don't want to convict people of their past, and we all have a past, but it isn't really speaking to what is going on here. (Participant 8)

Secondly, participants were more concerned about the mother's present behavior and her ability to protect the children from their father.

The criminal history really has nothing to do with the kid, to do with the kid's safety. Like I wouldn't look at the criminal history as it is speaking to Mom's ability to parent her kids. I think the more concerning part is that Mom can't, mom can't protect her kids from her husband. (Participant 8)

And finally, participants stated that many of the parents they work with have criminal histories and that this dynamic is often part of the case. However, the fresh, visible signs of maltreatment and the concern over the mother's inability to keep the children safe were enough for them to remove the child (even without the criminal history).

Unfortunately I have a lot of parents that, that have this kind of history, I... I feel that for me it's more of a red flag if it's some kind of simple assault or if it's something child

endangerment or something like that. Or even prostitution, I mean attempted robbery, resisting arrest, and possession of stolen property... I mean how old was she when that happened? How long was she incarcerated for? I mean I would kinda want to know that, which we can look that up easily. So, but I don't think that would contribute to removal... so... (Participant 13)

It's just more of collateral information as far as I'm concerned. And um, it just didn't, it wouldn't because we have plenty of families, you can have criminal history and that doesn't mean you're a bad parent, you know, my dad has criminal history. He does. (Participant 17)

2) No Removal Decisions

For the four workers that did not decide to remove the child, all felt the mother's criminal history was not important in their decision making process. However, understanding how the criminal behavior (in general) impacted one's ability to parent was seen as an integral part of their decision making process.

I feel like we're always inclined to, to draw a connection with that. But really we have, you know she was attempted, attempted robbery, resisting arrest, possession of stolen property. You know, I always say in child welfare... that if you go and take your kids to grandma's house and go out and rob a store, I don't think that's an issue for a child welfare agency. In that, you know, that the children weren't exposed to that. Yeah they're going to be affected by it, but it wasn't a direct, there's no allegation for that, there's nothing that we need to be involved in at that time. Now, if she's committing this robbery with the children with her, you know, then we have a whole different story there. I think we're always drawn to that, oh she's a criminal, but, you know, I don't see a connection with that at this time. (Participant 19)

Again, these four participants were aware that the families that they most often work with have criminal histories.

I said, I don't like to make, 'cuz you have robberies, like most, like my population, that's what they have. They're criminals; unfortunately, they come from nothing, so definitely, honestly I would read it, I would share it with the on-going worker, some history, other than that, no it has nothing to do with it. (Participant 16)

3) *Summary*

In the second vignette, there were more CPS workers who decided to remove the child from home (12 of 16), but fewer stated that criminal history was important (eight of 16) than in the first vignette. The impact of the criminal history on the mother's ability to parent was still of great concern, however this concern was focused on how the child would be protected from an abusive father should she return to prison. As in first vignette, the commonplace nature of dually involved families (child welfare and criminal justice systems) influenced the CPS workers' understanding the impact of the criminal history. The nature and seriousness of the charges were also mitigated somewhat by the CPS workers knowledge of how families involved in the child welfare system often interact with the police.

c. Vignette Three

The final vignette depicts a mother that has criminal history in the somewhat distance past (see Vignette #3 in the Participant Interview Guide in Appendix G). Here the mother was arrested at a relatively late age. She had been arrested for shoplifting and disorderly conduct two years ago. She was arrested with her child in the car.

In the context of this vignette, two of the 16 CPS workers decided to remove the child, 14 decided to leave the child in the home. The two participants who decided to remove the child did not indicate criminal history played an important role in this decision. However, of the 14 who decided not to remove the child, eight felt that criminal history was important.

IV: Vignette 3 Results: Criminal history – late age arrest

Removal Decision	Criminal History Considered Important?		Total
	Yes	No	
Yes	0	2	2
No	8	6	14
Total	8	8	16

1) Removal Decision

Both workers who decided to remove the child expressed concern that the stepfather posed a safety threat to the child. One participant hoped that the stepfather would be arrested, thus assuring the child's safety. She was not sure that the mother could keep him safe if the stepfather remained in the home.

With Marcos (the name of the child in the vignette), it appears, the first thing I would do, would be, is this stepfather? Hopefully Youth Division would arrest the father, 'cuz the child has bruises and they're different healing stages. So, I would hope that he would get arrested. And then I would basically see if Mom would be able to act as a protective parent (Participant 17)

Another worker expressed concern not only about the stepfather, but also about whether or not the removal decision would be upheld in court.

Why would I remove? Because the alleged maltreater (sic) lives in the home, and is not his parent. So, the incidence of kids being killed is far higher when you have a non-parental custodian in the home. So, would I remove? I certainly would. Would you have to make a case? You probably would have to make a case that the child's injuries – how old – I mean he's 7. I mean, you would have to make a strong enough case that the child

is 7; he's extremely vulnerable, that this person is acting as in parental locus, and injured the child. Whether it prevails or not is a whole different story. (Participant 11)

2) No-Removal Decision

A majority of the participants decided not to remove the child described in the third vignette (14 of 16). There was almost an equal division between those participants who stated that the criminal history was important in their decision (eight) and those that stated that it was not (six). In this vignette, participants reported many different concerns about the mother's criminal history and behavior. Participants wanted more information and a comprehensive understanding of her criminal history. This would allow them to better understand its impact on her ability to parent, the possibility of domestic violence in the home, and the potential for the child to be left in the husband's care should the police arrest the mother again.

Participants explained that if a parent is arrested in the District of Columbia with his/her child, she/he has the opportunity to make a caretaking plan before being taken into police custody (e.g. he/she can call a relative to come pick up the child). They further explained that the agency does not usually get called in these instances. It is only when the parent who is being arrested cannot make a caretaking plan, or is too incapacitated to do so (either from drugs or alcohol) that the agency is contacted. If the agency was not contacted at the time of this mother's arrest, the participants stated that the police officer must have felt that the child was not at risk. The police officer's decision not to call the agency when the mother was arrested indicated to the CPS workers that there had not been a risk or safety concern during the arrest. This was an important fact in the CPS workers' decision not to remove.

So, in that instant, if she was able to plan for the child, prior to the arrests...it all depends upon the officer, and she's able to call a relative, and say, hey come get him, I'm getting locked up. And then that relative comes and gets the child, and the child's going to stay with that relative until she's released, that arrest in itself wouldn't warrant a removal. Because she has a plan in place for who is to care for the child. (Participant 14)

The agency may get involved in a limited way if the police bring the children and his/her designated caretaker to the agency office for assistance in making the caretaking plan. In these instances the agency would facilitate making the caretaking plan, but would not continue to be involved with the family.

I actually had one where a mom was shoplifting and she had her two kids with her. And, at the time, I don't know if her mom was with her or she called her mom at the time that security held her at bay, but MPD (Metropolitan Police Department) actually brought the kids and grandma here, so even though Mom's safety plan was grandma take the kids while she was arrested, MPD still brought the family here and had us make the decision to release the kids to the grandma. (Participant 15)

Another participant stated she was concerned that perhaps the police had erred during this arrest by not calling the agency.

So, if there was not, somebody there with her to provide care for the child, when she was arrested, then yes, the child would have been brought here to the agency. Or we would have, we definitely gotten called and either we would have had to responded to the scene or the police would have brought the child here. But, it based of this, it is concerning that we did not get a call. Because it doesn't show that there is prior history. I mean there is prior history, but this isn't part of it. So, MPD in this situation didn't call us and that is a fail on their part. (Participant 15)

During the discussion of this vignette there was concern over the possibility that a CPS worker would make too much out of the criminal history and it would take on undeserved weight in the

decision-making process. This particular participant was concerned that the arrest would somehow stigmatize the parent as also being abusive or neglectful.

I'm just sayin there's not any, that doesn't, mean anything, shoot, I might have a criminal history, you know, that doesn't consti... that doesn't mean, abuse or neglect. (Participant 21)

3) No-Removal – Criminal History Important

Many concerns were raised about the criminal history within the group of eight participants that decided to leave the child in the home. Although the criminal history did not cause them to a decision to remove, they stated they had concerns about how it impacted the mother's ability to parent. Two participants stated that the shoplifting might be the mother's attempt to remedy the neglect of the child that was part of the information in the vignette. The participants wanted more information about the rationale behind the shoplifting before drawing any conclusions.

That might speak to the food; so we would need to look at how much money do you have in the home. So it may be you're not feeding him..., he doesn't have clothes or they're dirty, maybe you can't afford it. So why are you shoplifting? There is a reason why, you know, people are shoplifting. Are you just doing it just because you are bored, you know, or because you need some things? We can also put services into place for that also. (Participant 8)

I want to know how old Marcos's mom is. So I think that two years ago, Marcos was five, you know, why was she shoplifting? And again, we see that Marcos doesn't have the right clothing, doesn't have enough clothing, is often dirty, and doesn't have money for field trips or school functions and things like that. So were you shoplifting out of necessity? Did you feel like, you know, your son needed this coat and you didn't have enough money, or were you shoplifting because you really wanted that cute pair of shoes? And so I think I would explore that more, but I don't think... I think that more so proves the problem than hurts it. (Participant 9)

Their concern was that the criminal behavior was indicative of a pattern of behavior that

could be a risk factor to the child. Another participant stated that she worried that with the criminal history of shoplifting the mother may inappropriately use the concrete assistance that the agency would put into place to mitigate the neglect issues in the home.

I need to give a voucher and then have her do like, buy a whole wardrobe for this child and make sure that she's not going to pawn it because I'm going to be saying to her, you know what, you actually need to like, I will have a another social worker, ongoing social worker monitor you for six months and if you ever pawn those stuff or whatever, that's going to be an issue. (Participant 12)

There were mixed reactions and ambivalence to the agency not being called to the scene when the mother was arrested. The group of participants who stated that the mother's criminal history was important to their decision-making stated that since the agency was not called during the arrest, the police must not have not been concerned about the child's situation in the home. While at the same time, these same participants were very much concerned about what had happened to the child during the mother's arrest.

So disorderly and shoplifting, that doesn't have a direct link to child safety, however, the arrest with Marcos in the car, you know, what were the circumstances with that – so was she arrested. Was that the disorderly and shoplifting when she was arrested, was she taken in therefore what happened to Marcos? Who cared for him? Was she able to create a plan? Call the stepfather and have him rush down? She must have done something if he wasn't removed. I would want to know why were the police there at least two times over the last several months. (Participant 18)

So those are, that's what it is, if she's engaged in criminal activity, you got arrested, who'll care for Marcos? (Participant 20)

One participant stated her desire to know what had happened during the arrest, but ended the statement by saying it had not influenced her decision to remove.

As far as her arrest history, usually in that case, if he was in the car, the police are known to let her call a relative to take the child. So I feel like I would want to know, just maybe for her or look it up online to see if there is anything else with the disorderly conduct, but that's not going to affect him being removed or not. (Participant 13)

This participant articulates this ambivalence as well.

Well with her criminal history, sounds like... this is disorderly conduct and shoplifting. Again there's not much I can do about the criminal history because I'm not a lawyer... Unless, I mean, there's a way for me to see that it's really impacting her parenting. But it sounds like she's not in any probation; she's not on probation. I might inquire to see what's going to happen in the end? Is she going to, is there jail time or is there going to be probation? So I just need to see what impact this going to have on that parenting and if there's none then it's none of my business, it's not my concern. I'm not concerned about that criminal record, I mean, I'll be concerned if I'm told she has, if she doesn't follow certain protocols, she is going to go to jail, then that might really bring me to be really concerned, that ok... I don't really want you to go to jail because that means Marcos will not have someone to care for him... (Participant 12)

One participant stated that getting arrested with the child in the car was indicative of a lapse in judgment.

The fact that she was arrested with him in the car. Now that's concerning that means that she was doing whatever she was doing with the child in the car. So that part is concerning because that shows that there's issues with judgment, like you're putting your child at risk or harm of danger while committing these crimes. So, I change my mind, that's definitely a concern that she is doing, you know, she was - he's seen the disorderly conduct what ever it was and the shoplifting he was party to it as well. So that's concerning. So that would definitely weigh in on the fact that weigh in on a removal decision 'cuz he's being, he's party, he's in the car. So he's in danger at that time. (Participant 22)

4) Summary

Although only two of the 16 CPS workers decided to remove the child in this vignette there was much concern over the mother's criminal history and her arrest. The particular charge in this situation, shoplifting, combined with the neglect of the child raised concerns not only about the mother's ability to provide for her child, but also a concern that she may not use

provided resources appropriately for her child. The mixed reactions about the agency not being called to the scene of mother's arrest led to the participants discussing their ambivalence about the mother's criminal history and its impact on her parenting ability.

E. The Formation of a Lens

As seen in the discussion of the vignettes, the external and organizational factors in the DME were very much a part of the CPS workers' removal decision-making process. The section of results are guided by the fifth research question:

RQ5: How do the organizational and external factors in the agency's contextual environment impact CPS workers' decisions in the evaluation of risk factors, especially that of criminal history?

The organizational and external factors appeared to act as a lens through which the CPS workers evaluated the impact of criminal history on their removal decision. This lens shaped the context in which workers evaluated the criminal history, the risk it posed to the safety of the child, and whether or not it was considered in the removal decision at all. The organizational factor themes focused on the role of supervisors and administrators play in removal decisions and their ambivalent feelings between understanding the clinical issues of maltreatment and the agency's focus on keeping children in their homes.

1. Organizational Factors

In this study, organizational factors encompass how the participants perceived the agency to work in removal decisions. Supervisor and program managers were seen as integral pieces in removal decision process. Particular supervisors and managers influenced the kinds of

information and evidence that the CPS workers felt they needed to have in order to recommend removal.

It also depends on who your supervisor is at the moment. There are times when my colleagues, when they go out, there are bruises all over the child, they may remove. There are times that you might see more than one bruise and you don't remove (Participant 16)

And it's, with different supervisors – there are some supervisors who will say yes, go take the kid. I don't have one of those. (Participant 15)

a. Prior Agency Procedure

In making a decision, participants explained how agency practices and procedures would affect the situation described in the vignette and how their decision might have been different in a different organizational context. Participants based these comparisons on their experiences working in other agencies prior to their employment at CFSA. The CPS workers expressed ambivalence between their concerns that the agency may have veered away from the clinical issues of maltreatment,

Largely now, I mean they are doing these red team and this differential response, but when you look at it, I mean there is no real hard line discussion about clinical issues. What are the dynamics in the house? Somebody that hasn't bonded with their child. I mean do they have attachment issues? What's going to happen to that child, as they get older? You know, is that person at risk for antisocial behavior? (Participant 11)

And their understanding of the need for permanency for children.

So, in the agency we have pushed a lot more towards permanency, so I know before I got here we were more removal happy than ever and then when I was here we still removed more then I guess we do now, you know, we're big on kinship, so from the time I've started to now, kinship has become a huge option, so it's part of the process were we right away look for family support, right? Instead of automatically thinking foster care, right away before we start placing we look right into the family. So that's huge and then just more, I think there's more resources now, where we are bringing and over loading

the family with resources, instead of initially just thinking remove right away, we're trying to work it out a little bit more. So instead of acting in fear, like we need to get these kids out right away, we're starting to slow down for a second, do we really need at this point, cause you know that's an option at any point, so is the child going to be safe if we load them in with all of these things and see what happens, so it's progressed a little, a little differently... (Participant 19)

There was recognition of the pressure on the agency from the courts and the impact of the Center for Social Policy's monitoring of the consent decree. These factors influenced the day-to-day decision making of a CPS worker.

The Center for Social Service Policy talks about this best-case practice. So in going forward with that, they have done away with protective capacities 'cuz that what I mean I think to me folks, old school social work folks looked at the person, the problem, the process and the place and all of those things were examined critically. But nowadays – that's not the case...but what's happened is that the agency has gone to the other end of the spectrum where they have allowed all of these other onlookers to kind of define what neglect is. I mean, you know, just because it meets the legal definition of neglect, there should be a clinical emphasis and component that is considered. (Participant 11)

2. External Factors

In making a removal decision, along with the particular facts of the maternal criminal history, external factors played a significant role in the CPS workers' decision-making process. Two themes emerged that impacted how CPS workers evaluated the mother's criminal history as it related to their removal decision. The interconnectedness of the criminal justice and child welfare systems in the community at different decision points in an investigative process and the commonplace nature of criminal behavior that is seen in the families that are in the child welfare system.

a. Interconnectedness with Criminal Justice

There were several points of interconnectedness with the criminal justice system that occurred within the child welfare investigation and that influenced the decisions that CPS

workers made within each vignette. Corroboration was needed from community partners (e.g. the police and the forensic medical community) to ensure their removal decisions were upheld in court. The police played an active role in the investigation: their involvement with the investigation of the case, the source of workers' knowledge about the parents' criminal history, their referral to the agency in cases of parental arrest, and the use of parole and probation officers to provide services to and monitor families.

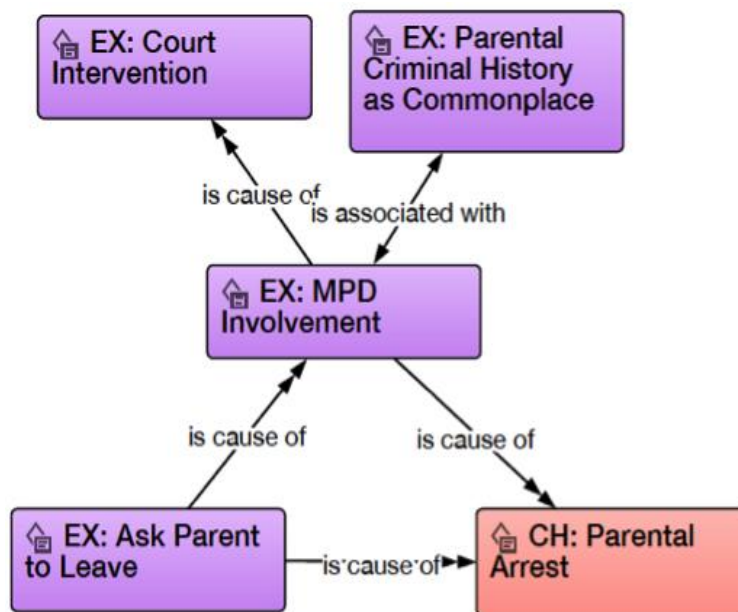


Figure 10: Interconnectedness with Criminal Justice

b. Criminal History as Commonplace

As another theme throughout the CPS workers assessment of criminal history was a very real sense that criminal behavior, negative interactions with the police, and criminal histories were commonplace in the families with whom they work. Many of the parents that come to the attention of the agency have criminal histories. Many get regularly arrested, some for very serious charges such as manslaughter. There was ambivalence within this understanding, as it seemed unproductive to think criminal history was a risk factor if almost all of mothers had one. However, the CPS workers also articulated the realization that the behavior carried with it a lot of risk to children in the mother's care.

Criminal? Yeah, I've seen a lot of them have histories, I mean all, most of all have criminal histories....like we have parents that get arrested all the time but we just don't remove kids because they are arrested.... They're criminals; unfortunately, they come from nothing, so definitely, honestly I would read it, I would share it with the on-going worker, some history, other than that, no it has nothing to do with it. Yeah, no.
(Participant 16)

We see tons of folks that are on parole, in violation of parole, or wanted. And all of those things don't necessitate a removal of their kids even though their kid may be neglected.
(Participant 11)

And 95% of our families, they all have it, they have a history... (Participant 20)

The organizational and external factors, as defined in this study, acted to shape the way in which the CPS workers evaluated the mother's criminal history. It appeared to form a lens through which the CPS workers evaluated and contextualized the families in the vignettes.

F. Decision Maker Factors

Case factors are viewed through a lens comprised of the external and organizational factors. The remaining category introduced by the DME is decision maker factors. These are attributes of the worker, such as personal value and belief systems that influence the decisions

he/she makes. Decision maker factors shape workers' views as they look through the proposed lens. Although all workers situated in similar agencies and communities may share this lens, these decision maker factors create the unique perspective in which a particular worker perceives a family and ultimately his/her decision to remove.

The workers perceived self-identity, as a decision maker factors, was integral in removal decisions. The value systems were varied, and the CPS workers would share this information as they discussed their removal decisions. Participants expressed their personal value system and a strong belief in the importance of family, their firm commitment to keeping families together and understanding the impact that a maltreatment investigation can have on parents (e.g. employment opportunities).

And we have to, it's not like I said, investigating - what I try and do in the short term with my families, I try to educate people. You know I tell them, I investigate homes, but I'm still a social worker. I'm still a social worker at the end of the day and I want to see your family stay together, I want your kids to remain safe, and I want to keep you out of the system. And I want you to move forward and get a job. This hurts my families (participants knocks on the desk). When there is a -----like this hurt families – that's going to hinder them from getting a good job.

A participant felt the need to identify herself as one who believes in the importance of keeping families together as she was making a decision to remove.

I'm not too much of a removal person. Unless I believe like this child you know if I leave him, her, like she would like you know something would happen to her. You know it's hard to help with families, you know as much as we can, but there are some that you can't help. (Participant 14)

Another participant prefaced her assessment of the first vignette by expressing her belief in the seriousness and traumatic nature of a removal decision.

So right away I'm not going to just remove, because I mean when we remove a child, you know a child from their home it is a serious thing and I also, and I'm also a parent, you know so it is very traumatic. It's also should be the last resort, unless there is like imminent danger. (Participant 12)

Two of the participants became somewhat defensive when the researcher asked them about the impact of the mother's criminal history on their decisions to remove, seemingly pushing back on what they understood to be a negative judgment on people who have criminal histories.

I love him (speaking of her father) very much, yes. But you know, he would get into fights, when he was young he would do crazy stuff, and my dad was one of those crazy guys. But for the most part he raised us, so it's cool, I don't mind, you can be a little on the edge I guess. Live your life on the edge. But it's clear that my issue is not her past history, past criminal history, my issue it that which is totally different, has nothing to do with it. (Participant 17)

Among participants there was a sense of the relinquishment of the larger mission of social work that of clinical work with families, to one of identifying the present occurrence of abuse.

It puts a lot of emphasis on the agency to move away from clinical judgment 'cuz most of what we have when have we well, is we consider it to be a science, but the agency doesn't want to defend it as a science...I think it's more legalized more than anything else.... I used talk to them and say so where exactly is the service delivery in this. Okay, so we aren't removing as many kids, I guess that's good, we're not going to have a ton of kids sitting in foster care, I guess that's good, but if we are going to, you know, relinquish our responsibility and push it on the family, and everybody else here is contract services, where is this family actually going to get some services? If it's not from social workers? I mean, who is going to sit down and say, if the child is missing 15 days out of school it really isn't a school issue, your child is not being properly educated. That is the thing the

social worker would usually do and say, “man, you know, you’ve got to understand, that’s your child. It is imperative for somebody to be under 7 and not be in school for three days - that is going to impact their ability to read. (Participant 11)

G. Nexus

Participants described their decision point for making a removal decision as a nexus. At this nexus point, the risk and safety factors intersect with the parents’ ability to parent the child under *current* conditions. In describing this concept, this participant described how the agency would view a child who had a positive substance abuse toxicology screen.

The positive toxicology currently here at the agency we don’t assume that, that it’s neglect, we would need a nexus between the ability to parent. (Participant 18)

So I think years ago, folks, when I first started here, made decisions to remove kids, I wouldn’t say they made lighthearted decisions, they made it based on what was happening on the scene but now that people realize that there has to really, they call it nexus, there has to be clear nexus, an indication that there is a link between the actual allegation and the maltreatment of the child... But now you have to demonstrate that there is a nexus between substance use and her pending neglect of the child... Nowadays it is more of an immediate action and the result of the immediate action. (Participant 11)

In each of the vignettes, history with the child welfare and criminal justice was identified as being important elements of the case to consider. However, in making removal decisions that the CPS workers believed would not only be approved by the agency but also upheld by the courts, the theme that emerged was one of interconnection – the interconnection of what was happening in the *moment* and the ability to parent.

Within this nexus, overwhelmingly, it was the presence of visible signs of abuse that led to their removal decisions. The currency of the marks, the confirmation by medical professionals that the injuries most likely had been caused by physical abuse was seen as the key in making a removal decision.

Umm, the present black eye tipped it over the edge. I think that present black and the incidents within the last 2 weeks. If there were things that weren't recent, or he had no new bruises, we would definitely do an at-risk FTM. (Participant 9)

But for another participant, the visible signs of abuse were not enough. The participant expressed the need to understand the intentionality behind the physical abuse.

You know so if we've got CFSA offering referrals for therapy that she apparently did not follow up on, we don't know if she does, but she is still exhibiting those symptoms, and it's been court mandated, and she hasn't followed up, that just bolsters the argument that her mental health is impacting her ability to parent, which is secondary to the physical abuse. So, that's not, that's not gonna be my first or second factor in this. It might tip the scale, but again I would want to know more information – how recent was it and specifically the parole, what was offered and is she compliant and so on. (Participant 18)

that's 'cuz that is a little, when we are looking at physical abuse, we are looking at, that intent, you know, was it intentional? You know, was it excessive? And so anytime I look at the face it could be excessive and then it could be accidental (Participant 7)

A participant explained that because of the pressure to keep families intact from both the agency and the courts, certain risk factors may or may not be made part of the decision making process.

And not, a less immediate response, 'cuz we just have to jump through so many hoops. And there's huge pressure there as well not to remove. So, I would definitely would work the criminal angle if I thought that was going to tip the scale, (Participant 18)

H. Conclusion

The data analysis highlighted how CPS workers used criminal history in, and how the Decision Making Ecology (DME) worked as a framework to understand, removal decisions. The themes that emerged from the data were consistent with the broad factor categories in the DME. However, the way in which the categories interacted with one another

was the critical component to understanding how CPS workers made decisions in regards to the mother's criminal history.

Criminal history did not impact the assessment and decision-making process in the same way as other case factors. It was not a simple decision and did not directly influence the worker's removal decision as did the identified case factors, (child's age, parental factors (substance abuse and domestic violence), visible marks of abuse, and a past history with the CPS agency). There was not any consistency across vignettes or among CPS workers regarding their removal decisions. The different portrayals of criminal history were viewed in three different ways: as neglect, as a possible predictor of abusive behavior towards the child, or an indicator of a risky lifestyle. At times the pattern of criminal activity was seen as a predictor of behavior that could be harmful to the child.

Evaluating criminal history and behavior was a complex decision that at times was based on external, organizational, and decision maker factors rather than the family circumstance. The external and organizational factors created a lens through which the CPS workers assessed the history, the risk it posed to the safety of the child and if it contributed to their removal decision. The decision point was described as a nexus. They defined the nexus as the place where the risk factors that were occurring at the time of the investigation caused the CPS worker to be concerned for the safety of the child.

VI. DISCUSSION

Understanding decision-making is critical in the child welfare field. The trajectory of children and families through the child welfare system is determined by the decisions made by child welfare workers. As illustrated historically, child welfare decision-making has two interconnected areas of study. One is to develop frameworks in which to situate certain variables. The goal is to better understand the decision-making process. The other is to isolate and to understand the contribution made by individual risk factors (Stein, Gambrill & Wiltse, 1978).

In maltreatment investigations, CPS workers evaluate elements of a family situation to complete a risk assessment. They elevate the importance of certain case factors while at the same time dismissing others. If we are to effect change in a child welfare system, it is important to understand how decisions are made, what influences them, and the context in which the agency sits. Understanding the mechanisms that are at work when CPS workers initially consider criminal history (as one of many family characteristics) is an important first step in understanding the decision making process and is at the core of this study. This chapter presents further discussion of the results presented in the previous chapter.

A. Criminal History as a Risk Factor

Criminal history, as seen in these vignettes, is by definition a parent factor. When considered as a risk factor and as a characteristic of a parent in a maltreatment investigation, parental criminal history/behavior was presupposed to behave similarly to other parental risk factors (e.g. domestic abuse, substance abuse). In research that was not focused specifically on parental criminal history, connections have been found between criminal history and aspects of

CPS workers' decision-making processes. This research focused on three areas; CPS workers' ability to predict which families would be investigated more than once (Coohey, 2006), the CPS workers' ability to assess if parents could provide a sufficient quality of life for their children (Davidon-Arad, 2001) and Trocmé, Knoke & Blackstock found that if a parent had a criminal history, the children having higher odds for being removed (2004) were all shown to have a positive association with parental criminal history. Without further information about how criminal history impacts parenting or may contribute to increased risk of maltreatment, understanding how the CPS worker uses this information is critical.

In this study, the association between maltreatment, the potential for maltreatment, and criminal history was clearly evident. The CPS workers assessed maternal criminal history/behavior as a risk factor, but not an issue of safety that would necessitate removal. The presence and severity of the maternal criminal history and behavior did not directly heighten or lower the worker's removal decision threshold as did the other risk factors, such as domestic violence and substance abuse. The workers' assessment of the parents' criminal history was much more nuanced. The kind of parental criminal history/behavior did seem to influence how much weight it was given in the decision making process. However, this was not done in a consistent manner within a single CPS worker's responses to the vignettes nor across the decisions within a vignette amongst the interviewed CPS workers.

Most often, when removal decisions were made, the criminal behavior/history was seen as an individual characteristic of the mother and a reflection of her ability to parent. In the instances where the decision was not to remove, CPS workers viewed the criminal behavior/history as more of an external factor, particularly as a characteristic of the parents'

community. In both instances, its meaning and significance was highly influenced by external and organizational factor categories.

B. Lens

The Decision Making Ecology framework has four categories of factors: case, decision-maker, organizational, and external (Baumann, Dalgleish, Fluke & Kern, 2011). The General Assessment and Decision-Making Model (GADM) delineates three mechanisms that comprise the assessment of a case situation and the making of a decision to remove. One of these mechanisms is how elements of one category influence the decision by raising or lowering the decision maker's threshold for action (Baumann, et al., 2011).

In this study, the influence of the external and organizational factors seemed to impact the threshold at which the CPS workers made a removal decision. These factors also appeared to have an impact on how the CPS workers understood and evaluated the criminal history. The assessment of maternal criminal history in determining the safety and risk of maltreatment of the child was seen through a lens compromised of external and organization factors. Figure 11 graphically depicts the relationship among the DME factors that arose from the data. This figure shows a lens, consisting of both external and organizational factors that the worker looks through when evaluating a family.

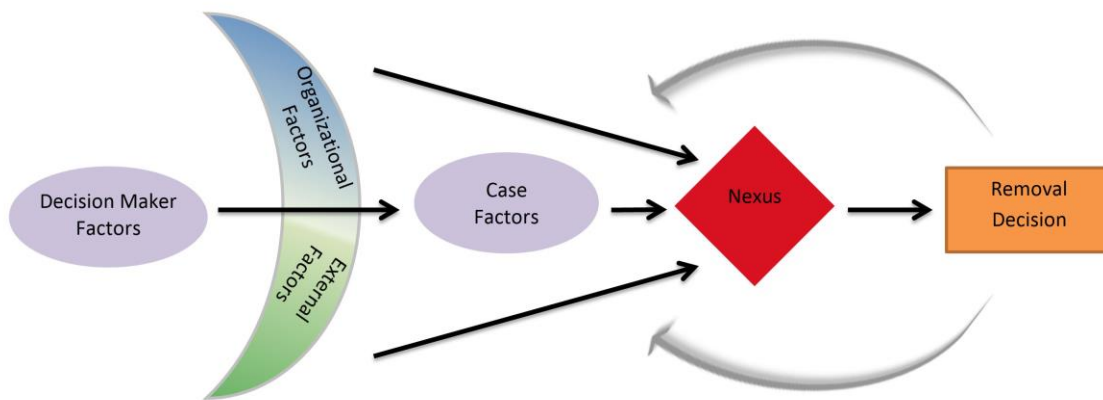


Figure 11: Decision Making and Maternal Criminal History

In this study, the lens shaped the way in which the CPS workers understood the criminal history, how they assessed its impact on the mother's parenting ability, and how it played (or did not play) a role in their decision to remove. For example, organizational factors that contributed to this lens include assessing siblings of an identified victim independently of the abuse being investigated, and the over arching organizational culture that children remain in the home.

External factors that contribute to this lens include the unquestioned, shared belief that the families in this community involved with the child welfare system were also involved in the criminal justice system, interactions with law enforcement officials were assumed to be negative, most likely confrontation and expected in families, and domestic violence in the home was defined as neglect in the courts.

In this situation the external and organizational factors appeared to alter the way in which the CPS workers *saw* the characteristics of the family. Many, if not all, of the families with

whom these CPS workers interact with have criminal histories. This led them to minimize, or not even consider, this factor in their assessment of the family.

Although the impact of criminal history was the focus of this study and this interaction was observed in this context, I suggest that all case factors are influenced by the presence of this lens. I posit that this lens exists in all child welfare systems but its specific characteristics will depend on the external and organizational factors at play. The influence and shape of the lens will change depending on the particular community attributes, such as the organizational culture and climate of the agency.

This lens may lead the CPS workers to make certain kinds of errors in their risk assessment and removal decision-making processes. Seeing investigative scenarios through a lens of external and organizational factors may increase the possibility that removal decisions are based on System 1 judgments (judgments that are instantaneous, automatic, and made with little effort), rather than more thoughtful and clinically driven assessments (Kahneman, 2003; 2011; Baumann, Fluke, & Casillas, 2012). These decisions could be biased and prone to systematic errors (Kahneman, 2003; 2011).

This has particular relevance to the use of risk assessment instruments that do not include criminal history as a risk factor. Child welfare agencies use risk assessment tools in an attempt to standardize the way in which families are assessed and children are determined to be unsafe. This study illustrates that CPS workers may answer questions on risk assessment instruments differently depending on the organizational and external context in which they work.

This process may promote heuristic errors (Kahneman, 2003; 2011). If a mother's criminal history is minimized or ignored because many of the families in the community have

criminal histories, there may be a possibility that some children may be more at risk. In considering a mother with a charge of disorderly conduct, we may dismiss important observations about this behavior and its impact on parenting ability because of an initial belief that these types of interactions with law enforcement are commonplace in the community. There may be a possibility that more children will be at risk because the maternal criminal history is dismissed because it is seen as a product of living in a particular community. We may also develop different standard for the well-being of children based on the communities where they live.

C. Nexus vs. Threshold

The GADM describes the decision threshold as the point at which the assessment of the case information (e.g. amount and weight of evidence) rises to a level where one decides to take action (Baumann, Dalglish, Fluke & Kern, 2011). This point is distinguished from a judgment or assessment, as it is the point at which an individual decides to act on the information they have. This point is different for each individual. Baumann et al. (2011, p. 7) describe it as “personal line in the sand.” In this study, the CPS workers were asked to make a decision, to either remove the child from the family or leave the child in the home. Having made this decision, the CPS workers were asked to describe the risk factors that contributed to their assessment (judgment) about the family and raised their concern to the removal threshold level.

It was during these discussions that the idea of a threshold manifested itself. The CPS workers discussed the risk factors that were of concern to them. However, rather than an accumulation of risk factors that would reach the individual CPS worker’s threshold, what led them to a removal decision was not a “*line in the sand*” (Baumann et al., 2011, p. 7), but what the CPS workers described as a *nexus*.

A *nexus* is a causal link, a center or focus (Merriam-Webster, 2015). CPS workers distinguished this nexus from a threshold, saying that the risk factors needed to be occurring simultaneously. Although the CPS workers would describe, for instance, substance abuse as a serious risk factor, they felt that they were unable to recommend removal unless they were certain that the parent was either high or drunk at the time of the investigatory interview. As an example, one participant described a situation where he had been in a family's home and observed the mother to be under the influence of drugs (in his judgment the mother was high). He recommended removal of the child in this circumstance.

This nexus, as described by the CPS workers, is qualitatively different than a threshold. The use of this nexus to make removal decisions is another example of the lens created by the organizational and external factors. The CPS workers evaluated the risk based on whether or not it was occurring at the time of the investigation. Just like a threshold, using a nexus could promote heuristic errors as described above (Kahneman, 2003; 2011).

D. Implications for Research

Further exploratory research is needed at the macro, mezzo, and micro levels.

1. Macro-Level

At the macro level, it is important to understand how agencies and their external partners create the context through which decisions are made. Similar to this study, interviews with agency supervisors and administrators, service providers, and court personnel may shed light on how they shape the environment in which decisions are made. As more states face external pressure from advocacy groups using the civil courts to drive system changes (e.g. Children's Rights are currently suing 16 states <http://www.childrensrights.org/our-campaigns/class->

actions/), more needs to be done to understand how these pressures shape agency culture and influence clinical practice. Questions about how agencies can reform their practice, meet externally mandated requirements, and develop solid clinical practice to serve the families with which they work are important areas where more research is needed.

2. Mezzo-Level

At the mezzo level, important questions remain about how external community agencies, e.g. police departments, probation and parole offices, affect individual CPS workers' assessments of families and subsequent removal decisions. Investigating questions about how community attributes (e.g. crime rates, informal and formal resource support networks) impact removal decisions may lead to important information about child well-being in communities that face multiple challenges.

3. Micro-Level

At the micro level, more research is needed into how we can use the knowledge in decision sciences to better understand how CPS workers evaluate risk factors and decide to remove a child. The tenets of decision science play a role in the decisions of CPS workers as well as the decisions made by others in the environment (e.g. judges, criminal justice officials). Understanding this interaction would illuminate the process of making removal decisions. Untangling decision-making in child welfare is essential if we are to continue to improve our practice in the precarious balance between the safety and well-being of children who are at risk.

As we continue to validate our assessment tools to better understand safety and risk in incidents of child maltreatment, we must better understand how criminal behavior and criminal history impact one's ability to parent and the risk of child maltreatment. Research is needed into

how collaboration between local police departments and child welfare systems can better protect children, maintain important family relationships, and enhance children's well-being.

E. Implications for Policy

Policy and procedures must be constructed to facilitate good practice. In this study, policy changes are indicated in two areas. First, in this study organizational and external factors provided the context and the lens through which the caseworkers made their decisions. Agencies must consider the environment they create as a result of policy and practice changes and its effect on the CPS workers who work within it. The agency must identify and understand the impact of particular external factors on their practice. The agency bears the responsibility of mitigating the multiple challenges in the environment to ensure that workers engage in informed clinical practice with all children and families with whom they work. However, jurisdictional policy could address these nuanced differences more appropriately and provide directed guidance to CPS workers.

Secondly, this study illustrates that criminal behavior and history are important indicators in the assessment of the safety, permanence, and well being of children in the child welfare system. How these indicators are evaluated is dependent on the environment in which the assessment is being made. Policy makers should ascertain how criminal history is used in CPS investigations and ensure that its impact on parenting remains at the forefront of removal decisions.

F. Implications for Practice

The implications for practice are two-fold. The first implication is to better understand how to evaluate parental criminal history and understand its relationship and impact on parenting

using evidenced-based methods. Offenses against children are clear-cut dangers, but other crimes are not as straight forward. A tool that could help workers understand the nature of the crime committed could help CPS workers understand the impact that a particular parents' criminal history has on a specific maltreatment situation. It could further help illustrate whether the criminal history/behavior affects the parents ability to keep his/her child safe. Although it could not serve as a crystal ball, a frank conversation with the parent may help the CPS worker assess the parent's proclivity to commit additional crimes.

The Community and Disability Services Ministers' Conference (2005) developed an evidenced based framework to guide decision-making in using criminal histories in the hiring of employees and volunteers. This framework does not address crimes specifically against children, but does address those that may indicate a pattern of conduct (which may be of particular relevance to the safety of a child).

Many of the questions in this framework could be useful for CPS workers' assessment of parental criminal history. The following questions are adapted from this framework and placed in a CPS context:

- What are nature and the circumstance of the crimes? Was it a property crime or a crime against persons? If it was a crime against persons, what was the age of the victim? What was the age difference between the parent and the victim?
- Was the parent placed on parole? Probation? Did the parent comply with these requirements? Is the parent still under court supervision? What were the findings of court ordered reports?

- Is there a pattern of criminal behavior or activity? How long has it been since the parent was charged with the crime?
- Has the parent's circumstance or lifestyle changed since the criminal behavior?
- What is the parent's attitude towards his/her criminal history?

Adding these questions to a risk assessment questionnaire could assure that the information from the criminal history was a factor in the overall safety assessment. It would be assessed openly with the ability to be discussed with the parent and with members of the child welfare agency's service team.

The second implication is to consider creating the space, outside of the supervisory chain of command, that would allow CPS workers the opportunity to not only discuss their decisions, but to learn about decision science. Many of the CPS workers interviewed responded positively to this research project. They identified it as a safe space to think through their decision-making processes. With the high cost of errors in child welfare, this could be a way to discuss the science of decision-making within the context of a decision-making framework. Providing a time for CPS workers to talk about their decisions, the observations leading up to them and how their risk assessment tools either helped or hindered them, may reduce the number and impact of heuristic errors in investigations. Talking about organizational and external factors as well as case factors will contribute to making decisions that keep children safe. Bringing decision-making into awareness can help CPS workers better understand their thought, preconceptions, and actions when they make removal decisions.

G. Implications for the Use of the Decision Making Ecology Framework

The DME provided a valuable framework to understand the use of parental criminal history in removal decisions. The factor categories (decision maker, organizational, case, and

external) of the framework were confirmed through the data analysis of this study. However, what makes the DME especially valuable in a more general discussion is in its ability to bring awareness to the influences that are brought to bear on the decision-making process. One of the keys to its significance is in its flexibility to reflect the particular organizational and community context of interest.

The DME can be used as a mechanism to ground conversations with CPS workers, administrators, and external partners about decision-making. It is also an impetus to being the larger discussion of how the field of decision sciences can promote better decision-making in child welfare.

H. Conclusion

There are two main implications of this study. The first is that, in this context, the Decision Making Ecology provided an effective conceptual framework to understand the influences on removal decisions. However, it is not simply identifying the composition of the different factors that is enlightening, but as this study illustrates, it was the interaction amongst the factors that is important in deconstructing the decision-making process. Understanding that decision-making is situated in a context and that the factors may work together in such a way to promote better decisions, or against them. The DME can be an effective conceptual framework to understanding how decisions are made in specific circumstances which is the first step in improving them. Organizational and external factors shape how CPS workers see families. The DME is a framework that can frame the discussion in agencies and among workers. This work may be important in bringing the act of decision-making and decision sciences outside of the context of a specific family situation. This allows CPS workers, administrators, and external partners to discuss how to improve decision-making in child welfare.

Criminal history is an important part of a CPS workers' assessment and decision-making process. We do not have a solid research base to understand how it impacts parenting and children's well-being. We also do not have tools to guide the CPS worker's understanding of this behavior; CPS workers use of this risk factor is not explicit. A parent's criminal history may impact one's ability to parent effectively. We need to understand how the impact it has on children especially in communities where interactions with the criminal justice system are numerous and often of a violent nature. The DME and an assessment tool can assist us in making better decisions that protect the safety and enhance the well-being of the children with whom we work.

I. Limitations

Researchers shape their writing by how they attend to the information that they have collected and how they choose to represent the voices of the participants that they are researching (Gilgun, 2010). Mowrer (1932 in Gilgun, p. 281, 2012) described the process, "...in every perceptive experience there is an infinite number of observations which might be made but which are not. What the individual sees is determined in part, at least, by what he [sic] is trained to observe." Limitations in qualitative analyses are inherent in the methodology itself and in the selection of a sample.

There are general limitations to using grounded theory as a methodology and an analysis tool. The methodological challenges to using these data include the small non-probability sample of workers. The sample may not be representative and may not allow for generalizability of results beyond the selected participants (Goodman, 2001). The coding scheme and theme construction may have developed differently if the study had been undertaken in a different jurisdiction or with a different group of workers within CFSA (Lee et al., 2012; Padgett, 2008).

The ability to generalize this study's findings may be limited as the definitions of risk and safety and their relation with removal decisions may be unique to the District of Columbia (Maxwell, 2002; Padgett, 2008).

The participants were presented with vignettes that were reflective of actual cases seen in the District of Columbia. However, these were not cases that they are being called on to investigate (Chapman & Stein, 2014; Reinharz, 1997). Although when investigating a case in the community it is impossible to have all the facts, the vignettes were limited in how much information they provided to the participants. The participants had to make decisions based on only the information they were provided without any recourse to find out additional facts surrounding events portrayed in the vignettes. They may have made different decisions if they had been given more extensive information or were able to interview family members.

The participants may have found the research interview environment to be artificial and found it difficult to reach decisions in this research context. The participants may not have expressed their "true feelings" as they may have felt their attitudes were socially unacceptable in the current agency and external environmental context. They may have felt the need to please the researcher with their responses or reflect what they perceive as a political correct climate (Reinharz, 1997).

The data collection mechanism itself, the in-depth interview, may be subject to distortion, either because participants may be reluctant to reveal information. The researcher's gender, race, class, and age could have impacted the kinds of responses that the participants felt comfortable sharing during the interview.

Finally, the sample of participants is a limitation. The way in which CFSA trains CPS workers may have had affected the way criminal history is evaluated in the assessment process.

The workers may have a negative bias towards those who have criminal records because of incidents that have occurred to them personally or in their professional work. In the same way, they may feel an obligation to view mothers with criminal histories more favorably due to their personal circumstance or history. Community and/or organizational views of criminal activity may influence the child protective services workers' view of how this behavior influences the ability to parent and/or to keep a child safe (Bernard & Ryan, 2010).

APPENDICES

Appendix A: Recruitment Flyer

Child Protective Service Workers Needed!

Interview Research Study

Decision Making at the Intersection of Criminal Behavior and Child Maltreatment

Doctoral Dissertation Research Study

An hour of your time is needed to learn more about how child protective service workers make assessment decisions about risk and removal. You will be asked to review three case vignettes by “talking aloud” through your assessment and answering questions about your decision making process.

The interviews:

- You will not be asked to provide any identifying information
- Will take place in the CFSA office
- Will last approximately an hour
- Will occur over the next two weeks
- Will be recorded
- You will be asked for demographic information that will be used to describe the sample of participants
- You will receive a \$25.00 Starbucks gift card for your participation!
-

Your time and assistance are greatly appreciated! Your participation will help us understand how we make decisions that ensure the safety of children.

Please contact Melinda J. Baldwin if you would like to participate! She can be reached at melindajbaldwin@gmail.com or 708-415-0655

Appendix B: Participant Information Sheet

Information Sheet

Decision Making of Child Protective Services Workers

Principal Investigator: **Melinda J. Baldwin, LICSW – Doctoral Candidate**
 Jane Addams College of Social Work
 University of Illinois at Chicago

Dissertation Advisor: **Alan J. Dettlaff, PhD**
 Jane Addams College of Social Work
 University of Illinois at Chicago

You are invited to participate in an interview process with other Child Protective Service (CPS) workers in your agency. We hope that about 20 to 25 workers will participate. This project is being conducted for Melinda J. Baldwin's doctoral dissertation.

Interviews are being conducted with CPS investigators to better understand the decision making process that they use in determining whether children should be placed into foster care. You will be asked to read several case vignettes and "think out loud" your assessment of safety and risk concluding in the making of a placement decision. The case vignettes do not describe a particular child or family, but are a compilation of common case factors. As child welfare professionals who have firsthand experience with children who have been maltreated, your opinions are valuable in helping improve services to children and families. While you may not receive a direct benefit from participating in this research, we hope that these interviews will help better understand the mechanisms and information that CPS investigators use in making removal decisions and bring insight into how the child welfare system interacts with the families with whom it serves.

Overview of Interview Procedures

The interviews will be digitally recorded and then transcribed by Melinda J. Baldwin. The interview will be transcribed verbatim, but no names will be used. The typed transcription will be reviewed and analyzed by Melinda J. Baldwin. Some quotes from the interviews will be included that illustrate important points, but the researcher will be careful to select quotes that do not reveal the identity of the person who is quoted. The results will be reported in her dissertation and possible publication in academic journal articles.

You will also be asked to complete a brief information sheet that includes your age, race, academic degree and years in child welfare practice. These characteristics will help Melinda J. Baldwin summarize the characteristics of the people who participate in the interviews. This

information will be put into an electronic document and the paper copy destroyed after the interview.

The interview will last approximately one hour. If you participate in the interview you will be compensated \$25.00 in the form of a Starbucks gift card.

If you are willing to participate in the interviews or have questions or concerns about the focus group, please call Melinda J. Baldwin at 708-415-0655 or contact her by e-mail at melindajbaldwin@gmail.com. You may also contact her advisor, Alan J. Dettlaff, PhD, at (312) 996-0044 or by email at aland@uic.edu if you have further questions.

You may choose not to answer any interview question and you can stop your participation in the research at any time. I will not report to anyone who participates or who does not. If you are willing to participate, but there are questions you do not want to answer, this is also okay. There are no right or wrong answers to any of the questions that will be asked during the interviews. Therefore, you should feel free to state your own viewpoints, feelings, and personal opinions. All comments are welcomed—both positive and negative. There isn't a right or wrong answer to the assessment processes or decisions to remove. The study is to better understand the decision making process that CPS workers undertake in the course of their work with children and families.

If you decide to participate in the interview you will be asked to keep the questions and case vignettes that are part of the interview process confidential by making a commitment not to share what you hear and what you say with anyone outside this room. This is simply to not bias other participants responses.

The University of Illinois at Chicago Institutional Review Board (IRB) has approved this interview research. If you feel you have not been treated according to the descriptions in this form, or if you have any questions about your rights as a research subject, including questions, concerns, complaints, or to offer input, you may call the Office for the Protection of Research Subjects (OPRS) at 312-996-1711 or 1-866-789-6215 (toll-free) or e-mail OPRS at uicirb@uic.edu.

Thank you in advance for your willingness to participate in this research.

Appendix C: Code Book

Code	Definition
CF: Parental Factors	Encompasses all of the parental characteristics that place the child at imminent risk for removal. This could include such things as mental health, substance abuse, and domestic violence.
CF: Child Factors	These are case factors that are child characteristics that are of concern to the CPS worker in the removal decision. This includes the age of the child and child behaviors that may put him/her at risk.
CF: Factors NOT considered important	These are case factors that the CPS workers deemed not to be important in their decision making process.
CF: Past CPS Case	The family's CPS history plays a role in the CPS workers' decision-making process. The past CFSA involvement predicts future compliance.
CF: Visible Marks	Encompasses the discussion of visible marks on the child and how these marks relate to the removal decision.
CH: Criminal Behavior/History – More Information Needed	The CPS worker expresses the need to gain knowledge of, or better understand the criminal history or behavior of the parent.
CH: Criminal history/behavior and removal	Parental criminal history/behavior is a risk factor, or isn't a basis for removal.
CH: Criminal history and/or Behavior	Encompasses the discussion of criminal history and/or behavior.
CH: Criminal History/Behavior - Impact on Parenting	Evaluation of criminal history as having an impact on parenting ability and may be the cause abuse and/or neglect.
CH: Parental arrest	The arrest of the parent is of concern to the CPS worker or may influence the decision-making process of the past, current, or in future situation.
CH: Criminal History - knowledge of	Gaining knowledge of, or knowing parental criminal history and /or behavior of the parent.
OUT: Removal Decision – No	The CPS worker does not remove the child from the family.
OUT: Removal Decision –Yes	The CPS worker makes the decision to remove the child from the family.

DM: Decision Maker Factors	Factors about the CPS workers that influence the decision that they make. This excludes the demographic information at the beginning of the interview. This information is captured elsewhere in the data analysis.
DM: Worker Self Identity	How the worker sees himself or herself - do they have a strong sense of their mission? Are they more swayed by the organization/agency? Is there lens informed by their clinical judgment?
DP: Nexus needed for removal	A connected group or series of linked conditions or relationships that come together as an intersection to that is necessary for removal.
DP: Tip the scale – Threshold	This case factor tipped the scale for the worker and led to the decision to remove the child.
EX: Ask Parent to leave	When leaving the child (not removal) in the home is contingent on a parent leaving the home.
EX: Community	Agencies in the community that will impact the decision made by the CPS worker - or agencies that work with or report to the agency. This includes the procedure performed by Children’s Hospital that provides forensic medical corroboration of physical and/or sexual abuse.
EX: Court Intervention	Court intervention is needed for family compliance – with either outcome.
EX: Criminal System monitoring parental behavior	Due to the parents’ being on probation or parole there is an officer of the court monitoring their behavior - the CPS worker construes this as a protective factor.
EX: Criminal history as commonplace	Criminal behavior and criminal history is commonplace in all families seen through investigations in the District of Columbia.
EX: External Factors	External Factors - law translated into policies that govern what constitutes an appropriate response, i.e. community resources, consent decree, legal policy.
EX: Legal Requirements in the District	Legal determination of abuse that guides the worker in making decisions. This may or may not go against the decision that the worker would make otherwise.
EX: MPD Involvement	The Metropolitan Police Department (MPD) is, could be, or should be involved with the family.
ORG: Organizational Factors	Participant discusses how the agency, CFSA, works with families - makes decisions about how to investigate. This includes the worker “warning and counseling” the parent.
ORG: Prior CFSA Procedure	How the prior agency practices and procedures would have affected the current situation.

Appendix D: UIC IRB Approval Letter

2015-0041 Page 1 of 3 2/17/2015

**UNIVERSITY OF ILLINOIS
AT CHICAGO**

Office for the Protection of Research Subjects (OPRS)
Office of the Vice Chancellor for Research (MC 672)
203 Administrative Office Building
1737 West Polk Street
Chicago, Illinois 60612-7227

**Approval Notice
Initial Review (Response to Modifications)**

February 17, 2015

Melinda Baldwin, MSW
Jane Addams School of Social Work
JACSW 1040 W Harrison St
M/C 309
Chicago, IL 60612
Phone: (708) 415-0655 / Fax: (312) 996-2770

RE: Protocol # 2015-0041
 "Decision Making at the Intersection of Criminal Behavior and Child Maltreatment"

Dear Ms. Baldwin:

Your Initial Review (Response to Modifications) was reviewed and approved by the Expedited review process on February 12, 2015. You may now begin your research.

Please note the following information about your approved research protocol:

Please remember to submit a copy of the completed transcription agreement, with confidentiality language, when available. The agreement must be accompanied by an Amendment form when submitted to the UIC IRB.

Protocol Approval Period: February 12, 2015 - February 12, 2016

Approved Subject Enrollment #: 30

Additional Determinations for Research Involving Minors: These determinations have not been made for this study since it has not been approved for enrollment of minors.

Performance Sites: UIC, Child and Family Services Agency - District of Columbia

Sponsor: None

Research Protocol:

- a) Decision Making at the Intersection of Criminal Behavior and Child Maltreatment; Version 1; 01/07/2015

Recruitment Materials:

- a) Recruitment Flyer; Version 1; 01/07/2015
- b) Staff Invitation Letter; Version 2; 02/04/2015

Informed Consents:

- a) Information Sheet; Version 2; 01/30/2015
- b) A waiver of documentation (original signature on document) of consent has been granted for this research under 45 CFR 46.117(c)(2) (minimal risk)

Your research meets the criteria for expedited review as defined in 45 CFR 46.110(b)(1) under the following specific categories:

- (6) Collection of data from voice, video, digital, or image recordings made for research purposes.,
- (7) Research on individual or group characteristics or behavior (including but not limited to research on perception, cognition, motivation, identity, language, communication, cultural beliefs or practices and social behavior) or research employing survey, interview, oral history, focus group, program evaluation, human factors evaluation, or quality assurance methodologies.

Please note the Review History of this submission:

Receipt Date	Submission Type	Review Process	Review Date	Review Action
01/09/2015	Initial Review	Expedited	01/15/2015	Modifications Required
02/09/2015	Response To Modifications	Expedited	02/12/2015	Approved

Please remember to:

- ☐ Use your **research protocol number** (2015-0041) on any documents or correspondence with the IRB concerning your research protocol.

- ☐ Review and comply with all requirements on the enclosure,

"UIC Investigator Responsibilities, Protection of Human Research Subjects"
[\(http://tiger.uic.edu/depts/ovcr/research/protocolreview/irb/policies/0924.pdf\)](http://tiger.uic.edu/depts/ovcr/research/protocolreview/irb/policies/0924.pdf)

Please note that the UIC IRB has the prerogative and authority to ask further questions, seek additional information, require further modifications, or monitor the conduct of your research and the consent process.

Please be aware that if the scope of work in the grant/project changes, the protocol must be amended and approved by the UIC IRB before the initiation of the change.

We wish you the best as you conduct your research. If you have any questions or need further help, please contact OPRS at (312) 996-1711 or me at (312) 996-2014. Please send any correspondence about this protocol to OPRS at 203 AOB, M/C 672.

Sincerely,

Sandra Costello
Assistant Director, IRB # 2
Office for the Protection of Research Subjects

Enclosures:

- 1. UIC Investigator Responsibilities, Protection of Human Research Subjects**
- 2. Informed Consent Document:**
 - a) Information Sheet; Version 2; 01/30/2015
- 3. Recruiting Materials:**
 - a) Recruitment Flyer; Version 1; 01/07/2015
 - b) Staff Invitation Letter; Version 2; 02/04/2015

cc: Creasie Hairston, Jane Addams School of Social Work, M/C 309
Alan J. Dettlaff (faculty advisor), Jane Addams School of Social Work, M/C 309

Appendix E: Child and Family Services IRB Approval
GOVERNMENT OF THE DISTRICT OF COLUMBIA
 Child and Family Services Agency



Melinda J. Baldwin, MSW, LCSW
 Child Welfare Program Specialist
 Children's Bureau
 Administration for Children and Families (ACF)
 Health and Human Services (HHS)
 1250 Maryland Avenue, SW
 Eighth Floor
 Washington, DC 20024

February 3, 2015

Dear Ms. Baldwin:

The members of the CFSA (Child and Family Services Agency) IRB (Institutional Review Board) would like to thank you for considering CFSA as a venue for completing your doctoral research. The IRB recognized the heuristic value of determining how a CPS (Child Protective Service) worker may use a client's criminal history in deciding whether or not to remove a child.

After careful deliberation the CFSA IRB has accepted your proposal.

We look forward to supporting your research and seeing how your results may strengthen our CPS process in the future.

Best regards,

Dr. Karen S. Eenton-LeShore
 DC Child and Family Services Agency
 Child Welfare Training Academy Administrator/IRB Chair

Cc: Michelle Farr – Deputy Director of Intake Services
 Dr. Herman Ray Barber – Co-Chair of the IRB
 IRB Members



**Child and Family Services Agency
Institutional Review Board (IRB)**

**ATTACHMENT B
IRB Notification Form**

Principal Investigator: Belinda J. Baldwin

Co-Investigators: _____

Title: Decision Making at the Intersection of Parental Criminal Behavior and Child Maltreatment

- ☒ Approved
- ☐ Approved with conditions

☐ Disapproved

Comments:

1. You are required to immediately report any adverse reactions or complications of the project to the CFSA IRB.
2. There may be no change or addition to the project, or changes of the investigators involved, without prior approval of the CFSA IRB.
3. If applicable, the attached consent statement has been approved by the CFSA IRB. Please copy this document and use for all subjects entered into this study.


Chairperson, Institutional Review Board

2.3.15
Date

Appendix F: Participant Interview Guide

Participant Interview Guide

Decision Making of Child Protective Services Workers

Thank you for participating in my doctoral research study. Your help is greatly appreciated! I would like to ask you a few questions about your background before we begin. I am asking these questions to describe the group of CPS workers that I interview, not to identify you in any manner. I will tabulate this information at the end of our interview and destroy the paper on which I have written the information.

The demographic questions are as follows:

- How many years have you been in the field of social work?
- How many years have you been in child welfare?
- How many years have you been in the position of investigator?
- What is your age?
- What is your ethnicity?
- What gender do you identify with?

I have prepared three fictional vignettes. I would like you to use the CFSA's risk assessment document and "talk out loud" as you work through your assessment of the child and family depicted in each vignette. At the end of your assessment, I would like you to make a decision about whether the child would need to be removed from the home. During the interview and after you make your decision I may pose questions to you to ensure I understand your assessment and/or to gain more specific information about your decision.

Vignettes:

The vignettes below briefly describe a case of possible maltreatment. The information presented here is obviously limited, and that in an actual situation you would no doubt attempt to collect additional information before making a decision, but we would appreciate you making your best decision based on the information provided.

Vignette #1: (current involvement)

The school tells the CPS worker that they are concerned about Jamal (age 7). He has an older sister, Mariah, but she is living with her maternal great grandmother. Jamal's mother, Latisha, and her boyfriend, Jorge, appeared to be drunk this morning and were calling Jamal an idiot in front of the school. Jamal has started wetting his pants at school and appears depressed. When the CPS worker contacts the mother and her boyfriend, they state that Jamal is a terrible behavior problem at home. The mother states angrily that Jamal called 911 last week "just because we were having a little fight." She and her boyfriend had been relaxing, drinking some beer, when they got into an argument. She said they were just "slapping each other around a little bit but really not hurting one another." She blames Jamal for calling the police. She is angry with him because the police arrested her for disorderly conduct and reported to her probation officer that she was intoxicated. Latisha and Jorge tell the CPS worker "we shouldn't have to put up with an idiotic kid that can't mind his own business." Jamal discloses to the worker that both his mother and Jorge punish him by hitting him about once a week leaving bruises on his arms and legs. Jamal told the worker that Jorge hit him in the face last week making his nose bleed.

Prior CPS History:

Prior records reveal information on Jamal's older sibling, Mariah Acampo (age 10). A child abuse and neglect report was made by the hospital when Mariah was born as she tested positive on a toxicology screen. A voluntary case was opened; the court was not involved. At the time, Latisha was living with her maternal grandmother, Ms. Theresa Madison (age 62). The record noted that the home was neat and safe for children. When she was present, Latisha appeared to have a warm and loving relationship with Mariah, although Ms. Madison was clearly the parental figure in the household. Latisha missed more than half of the worker's home visits, and Ms. Madison reported that her granddaughter often disappeared for days at a time. The worker noted in the case record that Mariah had not received immunizations or well baby check-ups. Latisha participated for about 2 weeks in a drug recovery program and then dropped out. She told her caseworker that the other women in the drug treatment program "really work my nerves" and that she thought a GED program would be more useful to her. The case was closed after only 6 months when the mother suddenly left the state with Mariah and could not be located by the caseworker.

Questions:

- What specifics of the case situation led you to make this decision?
- What do you see as risk factors? Safety issues?
- How did you weigh each of the risk/safety factors in your decision making process?
- What factors did not contribute to your decision? Why not? What would have had to be different about the case for you to have made another decision?
- What factors in the vignette stand out to you? Why?
- If not discussed, inquire about how the criminal history impacted the participants' decision.

Vignette #2: (criminal history)

Henry's third grade teacher reported this case to CFSA when she saw him at the mall with a black eye last week. Henry (age 8) has missed 15 days of school over a 2 1/2 month period. The CPS worker visits the family in the home the following afternoon. Henry has another black eye. He also has fading bruises on his lower back and several belt marks on his legs. He reluctantly explains that his mother hit him with a belt for being "bad" and not helping with the dishes. He describes being hit repeatedly on a number of different occasions and is able to describe four different incidents in the past 2 weeks. He says he believes that he deserves to have been punished because he is always being bad. He says he does not know how he got the black eye. Henry says he is happy because his father does not hit his mother any more. Henry misses school, but states he has been staying home to help take care of his mother who is "sad all the time now."

Henry's sister, Camille (age 5) has no marks, and says her father does not hit her. She shows the worker how she hides in her closet when Daddy is mad. Camille has also missed quite a bit of school. Camille and Henry appear to be very close.

Prior CPS History:

Three prior reports had been taken on this family, although no physical abuse of the children had been identified in the past. Teachers made the prior reports when the children came to school in dirty clothes and were unwashed. Henry has told his teacher that he did the laundry and cooked at times for the family. A voluntary case was opened for 6 months and the parents were given referrals that they did not pursue. The mother appeared to be friendly but very passive during home visits and did not follow up on referrals made by the Child Welfare Worker for therapy and for support groups for battered women. The mother strongly denied being an alcoholic and while the worker noted that there appeared to be dynamics of alcoholism in the family, she was unable to verify alcohol abuse. The mother had a criminal history that indicated she was arrested for attempted robbery, resisting arrest and possession of stolen property. She has been incarcerated and was on parole at the time. Teachers at school reported that the children's class participation was improving and there were no more incidents of the children arriving at school dirty during the period of the informal supervision. As no new protective issues were identified and the parents were not utilizing support services, the case was closed.

Questions:

- What specifics of the case situation led you to make this decision?
- What do you see as risk factors? Safety issues?
- How did you weigh each of the risk/safety factors in your decision making process?
- What factors did not contribute to your decision? Why not? What would have had to be different about the case for you to have made another decision?
- What factors in the vignette stand out to you? Why?
- If not discussed, inquire about how the criminal history impacted the participants' decision.

Vignette #3: (criminal history in the recent past)

Marcos (age 7) is reported to CFSA by his after school program. The program supervisor has noticed bruises on his arms. Some of the bruises are darker; others look fresh. He told the program supervisor that he falls down a lot at home. He looks dirty most of the time and his clothes are worn out and often inappropriate for the weather. On several occasions, he has "forgotten" his field trip money and has had to stay back with the younger children. Upon questioning, Marcos tells the CPS worker that his stepfather grabbed him by the arm and slapped him on the face after he had disturbed him while the ball game was on television. Marcos reports that there are a lot of arguments at home. The mother admitted that she and her husband had a history of drug and alcohol abuse, although she denied any current problems with either at this time. Angela reported that she was arrested for disorderly conduct, and shoplifting two years ago. She was also arrested with Marcos in the car. The police have been at the home at least two times over the last several months.

Prior CPS Involvement:

When Marcos was 18 months old, a relative reported her concern that he was often dirty, hungry, and did not seem to be thriving. CFSA became involved with the family, but there was never enough evidence to remove Marcos from his home. When initially interviewed by the CPS

worker the mother admitted she struggled in caring for Marcos, as he was difficult, often irritable, and rejecting of her attempts to console him. At other times, he was very restless and clingy. She also said Marcos was “slow to develop.” A service plan, including parenting classes, was put in place for the family. After six months, Marcos and his family appeared more stable and services were terminated.

Questions:

- What specifics of the case situation led you to make this decision?
- What do you see as risk factors? Safety issues?
- How did you weigh each of the risk/safety factors in your decision making process?
- What factors did not contribute to your decision? Why not? What would have had to be different about the case for you to have made another decision?
- What factors in the vignette stand out to you? Why?
- If not discussed, inquire about how the criminal history impacted the participants’ decision.
-

Please don’t share the content of the vignettes and your comments so that it doesn’t influence your colleagues’ decisions.

Thank you for your participation in my dissertation research project!

Appendix G: Copyright Permissions for Inclusion of Figures

Melinda J Baldwin
5707 40th Avenue
Hyattsville, MD
20781

April 24, 2015

Mr. Mark Stubis
Chief of Communications
American Humane Association
1400 16th Street NW, Suite 360
Washington, DC 20036

Dear Mr. Stubis,

I am a doctoral candidate at the University of Illinois at Chicago. My dissertation is entitled *Decision Making at the Intersection of Parental Criminal Behavior and Child Maltreatment*, and relies on the Decision Making Ecology for its conceptual framework.

I am writing to request permission to use two diagrams from *The Decision Making Ecology Framework* with the appropriate citation from your publication in my dissertation: figure 1 – the Decision Making Ecology (p. 5) and Figure 3 – Dalglish's A general Model for Assessing the Situation and Deciding what to do about it (p. 7). These figures will appear as originally published. Unless you request otherwise, I will use the conventional style of the Graduate College of the University of Illinois at Chicago as acknowledgment.

Thank you for your kind consideration of this request.

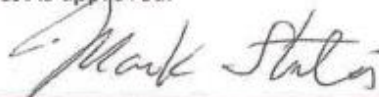
Sincerely,



Melinda J Baldwin
5707 40th Avenue
Hyattsville, MD
20781

The above request is approved.

Approved by: _____



Date: _____

4/24/15

Mark Stubis, CCO
American Humane Association

PERMISSION INVOICE

Inv. # P03B 24946

June 10, 2015

Melinda J. Baldwin
5707 40th Avenue
Hyattsville, MD
20781



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USE

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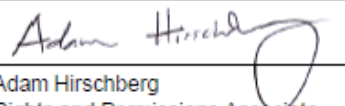
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Phone: +1 (708)4150655

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VITA

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EDUCATION

2015	Ph.D., Social Work, University of Illinois at Chicago
1993	School Social Work Certificate, University of Illinois at Chicago
1985	Master of Social Work, Policy, Planning and Administration specialization, University of Illinois at Urbana-Champaign, Urbana, IL
1983	Bachelor of Science, Psychology with cognate area of study in Economics, University of Illinois at Urbana-Champaign, Urbana, IL

AREAS OF RESEARCH AND SPECIALIZATION

Child Welfare policy and practice; intersection between criminal justice and child welfare policy and practice; qualitative research; staff capacity building; Framework development and dissemination for evidence supported interventions in child welfare practice.

TEACHING INTERESTS

Social Work Policy; Child Welfare Policy and Practice; Research, and Program Evaluation

POLICY EXPERIENCE

2014-Present	Child Welfare Program Specialist Children's Bureau/ACYF/ACF/HHS
2011-2014	Staff Development Specialist Children's Bureau/ACYF/ACF/HHS

PRACTICE EXPERIENCE

2001 - 2004	Director of Child Welfare Services, Hephzibah Children's Association, Oak Park, IL
1998 - 2001	Supervisor – Adoption, Foster Care and Licensing, Lutheran Social Services of

Illinois, Oak Park, IL

1993 - 1996	School Social Worker, District 90, River Forest, Illinois
1990 - 1991	Supervisor – Foster Care and Adoption., Central Baptist Family Services, Chicago, Illinois
1988 - 1989	Social Worker, Child Abuse & Neglect Team, La Rabida Children's Hospital and Research Center, Chicago, Illinois
1987 – 1988	Director, Department of Social Services, Shriners Hospital for Crippled Children, Chicago, Illinois
1985 - 1987	Resource Development Specialist/Social Worker, Illinois Department of Children and Family Services, Champaign Region
1985 - 1987	Social Worker I and II, Illinois Department of Children and Family Services, Champaign Region

UNIVERSITY TEACHING EXPERIENCE

2005 - 2008	Field Director – Faculty Member, Northeastern Illinois University
2008 - 2010	Instructor – Faculty Member, Northeastern Illinois University

Courses Taught:

Spring 2005	Instructor, Social Work Department, Northeastern Illinois University. Social Work 200, Introduction to Social Work; Social Work 356, Field Practicum II
Summer 2005	Field Director & Instructor, Social Work Department, Northeastern Illinois University: Social Work 306 – 1, Human Behavior & Social Environment II, Social Work 307 – 1, Social Work Practice I.
Fall 2005	Field Director & Instructor, Social Work Department, Northeastern Illinois University. Social Work 353, Field Seminar (4 sections – 353-1,-2,-31,-32); Social Work 355, Field Practicum I
Spring 2006	Field Director & Instructor, Social Work Department Northeastern Illinois University. Social Work 354-1, 354-2, 354-31, 353-32 section of Field Seminar II; Social Work 356, Field Practicum II
Summer 2006	Field Director & Instructor, Social Work Department, Northeastern Illinois University; Social Work 360, Social Work and the Law
Fall 2006	Field Director and Instructor, Northeastern Illinois University. Social Work 200, Introduction to Social Work; Social Work 356, Field Practicum II

Spring 2007	Field Director & Instructor, Northeastern Illinois University. Social Work 200, Introduction to Social Work; Social Work 356, Field Practicum II
Fall 2007	Field Director & Instructor, Northeastern Illinois University. Social Work 310-3, Research Practicum I; Social Work 353-2, 31, Field Seminar I (2 sections), Social Work 355, Field Practicum II Teaching Assistant, Jane Addams College of Social Work, University of Illinois at Chicago. Social Work 582, Practice with Children and Families.
Spring 2008	Field Director & Instructor, Social Work Department, Northeastern Illinois University. Social Work 353-1, 2, 3, 31, Field Seminar I (4 sections). Teaching Assistant, Jane Addams College of Social Work, University of Illinois at Chicago. Social Work Social Work 583, Practice IV - Children and Families
Summer 2008	Instructor, Social Work Department, Northeastern Illinois University: Social Work 360, Social Work and the Law.
Fall 2008	Instructor, Social Work Department, Northeastern Illinois University. Social Work 200, Introduction to Social Work; Social Work 207-2, 20 (2 sections), Social Welfare Policy I. Teaching Assistant, Jane Addams College of Social Work, University of Illinois at Chicago. Social Work 582, Practice III - Children and Families.
Spring 2009	Instructor, Social Work Department, Northeastern Illinois University. Social Work 200-2, 20, Introduction to Social Work (2 sections); Social Work 357-2, 20, Social Welfare Policy II (2 sections). Teaching Assistant, Jane Addams College of Social Work, University of Illinois at Chicago. Social Work 583, Practice IV – Children and Families
Summer 2009	Instructor, Social Work Department, Northeastern Illinois University: Social Work 207-1, Social Welfare Policy I, Social Work 357-1, Social Welfare Policy II.
Fall 2009	Instructor, Social Work Department, Northeastern Illinois University: Social Work 200-2, Introduction to Social Work; Social Work 207 - L18, Social Policy II; Social Work 309-1, Research Methods. Teaching Assistant, Jane Addams College of Social Work, University of Illinois at Chicago. Social Work 582, Practice III – Children and Families.
Spring 2010	Instructor, Social Work Department, Northeastern Illinois University: Social Work 200-2, Introduction to Social Work; Social Work 357 -1, 2. Social Welfare Policy II; Social Work 360C, Social Work and the Law. Teaching Assistant, Jane Addams College of Social Work, University of Illinois at Chicago. Social Work 583. Practice IV – Children and Families.

- Summer 2010 Instructor, Social Work Department, Northeastern Illinois University: Social Work 207-1, Social Welfare Policy I, Social Work 357-1, Social Welfare Policy II.
- Fall 2010 Instructor, Social Work Department, Northeastern Illinois University: Social Work 207-2, Social Welfare Policy I; Social Work 307 -1, Services to Children; Social Work 320-1, Domestic Violence.
- Teaching Assistant, Jane Addams College of Social Work, University of Illinois at Chicago. Social Work 588, Practice III – School Social Work.

RESEARCH EXPERIENCE

- 2009-2010 Research Assistant, Alan Dettlaff, University of Illinois at Chicago
- 2008-2009 Research Staff, University of Chicago, Supervised by Dr. Benjamin VanVoorhees
- 2008 Research Assistant University of Illinois at Chicago, Supervised by Dr. Susan Phillips
- 2007-2008 Research Assistant, University of Illinois at Chicago. Supervised by Dr. Sonja Leathers.
- 2006-2007 Research Assistant, Supervised by Dr. Alan Dettlaff
- 1984 Research Assistant, University of Illinois at Urbana-Champaign. Dr. Kathleen Proch.
- 1984 Research Assistant. Supervised by Dr. Edmund Mech.

PEER REVIEWED PUBLICATIONS

Testa, M., DePanfilis, D., Dionne, R., Deakins, B., & **Baldwin, M.J.** (2014). Bridging the gap between research and practice: The work of the steering team for the child welfare research and evaluation translational framework workgroup. *Journal of Public Child Welfare*, 8 (4), 333-353, doi:10.1080/15548732.2014.915910

Phillips, S.D., Dettlaff, A.J. & **Baldwin, M.J.** (2010). An exploratory study of the range of implications of families' criminal justice system involvement in child welfare cases, *Children and Youth Services Review*, 32, pp. 544-550.

Shaffer, G.L. Weir, K., Arnold, M. & **Baldwin, M.** (1984). *Social Work Careers: Questions and Answers*. Urbana, IL: University of Illinois, Computer-based Education Research Laboratory. (Length: 25 minutes)

PRESENTATIONS

Ian Jantz, MSW, Krista Thomas, MSW, Melinda J. Baldwin, MSW, Peter Chapman, MSW, David Caplan, MSW, Nancy Rolock, AM, Kristen Huffman-Gottschling, MSW, James A. Swartz, PhD. "Multi-Morbidity, Serious Mental Illness, and Substance Use Disorders: An Analysis of Factors Related to Medical Complexity", Oral paper presentation at the 15th Annual Society for Social Work and Research Conference. Tampa, FL, January 16, 2011.

Baldwin, M.J. & Quinn, C. "Gender specific treatment of institutionalized girls and responsible social work practice." Oral paper presentation at the 54th Annual Meeting of the Council on Social Work Education. Philadelphia, PA, November 1, 2008.

LICENSES AND CREDENTIALS

Certified Federal Coach

Licensed Independent Clinical Social Worker, District of Columbia, No. LC50079377

Licensed Clinical Social Worker, State of Illinois, No. 149-004894

Social Work School Certificate, Type 73, State of Illinois No. 1471842

Illinois CERAP, Child Care Act and Rule 402 certified, Licensed Child Welfare Worker, Adoption and Guardianship certified.

PROFESSIONAL AFFILIATIONS AND MEMBERSHIPS

Committee for the Ratification of the United Nations Convention on the Rights of the Child, Chicago, 2009-2011

Illinois Field Directors, 2005 – 2009

CSWE Field Education Workshop Planning Committee, 2005 - 2006

Dominican University Graduate School of Social Work, 2002 – 2005

Performance Improvement Plan Committee, IDCFS, 2004

Inspector General's Interagency Ethics Committee, 2003- 2005

National Association of Social Workers

Committee on Inquiry, Illinois Chapter; 1988 - 1994

Chairperson, August 1993 - 1994

Associate Chairperson, 1992 -1993

Illini District,

District Representative, State Committee of Inquiry, 1985-1987.

Member at Large, 1986 – 1987

PUBLIC SERVICE

District of Columbia, Friends of the Library
Board of Directors - 2011-2014
Member – 2014-present

Committee for the Ratification of the United Nations Convention on the Rights of the Child, Chicago,
Member, 2009-2010

Oak Park and River Forest Day Nursery, Oak Park, Illinois
Member, Board of Directors, 2005 – 2009

Ensemble Español Spanish Dance Theater, Chicago, Illinois
Chair, Parent Committee, 2004-2008

Wonder Works Children's Museum
Member, Board Committee, 2005- 2007

YMCA – The Oak Park Swimmers
Parent Advisory Committee Board Member, 2001- 2005

Amity School Children's Charity, Oak Park, Illinois
Executive Board Member, 1996-1998

United Lutheran Church, Oak Park, Illinois
Women's Association Board Member, 1996-1998