



Iowa Children's Justice

May 2010
Child Safety Constructs

May Topic – Child Safety Constructs

Assuring safety of children while under court jurisdiction is one of the most important responsibilities of a judge. Judges can influence local practice by setting expectations for the information they use to drive decisions about child safety. Incomplete information can lead to removing a child who might otherwise safely remain at home or result in leaving a child in a home with unsafe conditions. When judges ask questions about how the safety constructs are applied and the reasoning behind the Department's or the treatment team's recommendations, the court can have a direct impact on the safety of children.

Principles of safety decision making

Child safety is a shared responsibility that involves community members, treatment providers, the Department of Human Services, Guardian ad Litem and the Juvenile Court. Judges determine whether or not to remove a child; and when a child who has been removed can be safely reunified with his/her parents. These decisions should be based on credible information that clearly describes

- The threat of harm
- The child's vulnerability and
- The parents' capacity to safely care for their child.

These three factors - known as 'safety constructs' – coupled with probing, detailed questions asked by the judge, set expectations for thoughtful case decisions and critical thinking.

Understanding the terms

Throughout the life of a case, DHS child protective workers and case managers continuously evaluate whether a child is safe, unsafe, or can be made conditionally safe. The goal is to prevent risk of harm from escalating to a safety threat.

- **A Safety Assessment** is a decision-making and documentation process that evaluates present and impending danger by evaluating the safety constructs: threats of maltreatment, child vulnerability, and the protective capacities of the parent or child (based on his/her age.)
- **The Family Risk Assessment** evaluates personal, physical, environmental, and other factors in families which are associated with repeat maltreatment or risk of harm. This tool, in combination with clinical judgment, determines the focus of the family change process and the issues that will impact successful intervention with the family.

The following is a list of terms used by DHS when evaluating child safety:

Maltreatment is child abuse or neglect as defined under State law

Present Danger is immediate, significant and clearly observed maltreatment which is occurring to a child in the present or there is an immediate threat of maltreatment requiring immediate action to protect the child

Impending Danger is a foreseeable state of danger in which family behaviors, attitudes, motives, emotions, and/or the child's physical environment pose a threat of maltreatment

Safety Constructs include:

- **Threats of Maltreatment** are situations, behaviors, emotions, motives, perceptions, or capacities which can produce child maltreatment.
- **Vulnerability** is the degree to which a child cannot on her own; avoid, negate, minimize/modify the impact of present or impending danger.
- **Protective capacities** are family strengths or resources that reduce, control and or prevent threats of maltreatment. Lack of these strengths and resources (deficiencies) should be noted also.

A Safety concern is an immediate and impending threat which requires DHS staff's immediate attention.

- **A child is safe** when there is no present or impending danger or when existing dangers are controlled by the caretaker's protective capacities.
- **A child is unsafe when:** he/she is vulnerable to present or impending danger and the caretaker is unable to assure the child is protected or the caretaker lacks the protective capacities to do so.
- **A child is conditionally safe when:** he/she has one or more signs of present or impending danger and the child's vulnerability and/or protective capacities do not offset the impending danger of maltreatment but controlling safety interventions through a safety plan has been initiated. Based on these interventions, the child remains in the home.

Risks of Harm are issues from contributing factors, underlying conditions, or underlying needs that are responsible for safety issues.

Underlying conditions are those factors that are part of, within the family group. These would include domestic violence, substance abuse, mental illness, physical illness, unrealistic expectations, and impulsivity.

Contributing factors are those situations that put external pressure on the family group. Examples are poverty, language barriers, cultural barriers, lack of social supports or neighborhood issues such as crime and violence.

Underlying needs are those needs which are being met by the behavior expression associated with safety and risk concerns.

Risk factors produce a possibility/likelihood that a child will suffer maltreatment in the future. Risk factor identification helps determines the focus of the change process and the issues that will impact successful intervention in a case.

Safe case closure: Safe Case Closure planning is the process of setting measurable conditions or outcomes that must be achieved in order for the family to exit the child welfare system.

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Contributions Judges can make

Judges can set expectations/standards for the credibility and sufficiency of the information that is used as a basis for recommendations to the court. Judges can also set conditions for family change, the child's safe return home, and for safe case closure in court orders.

During a hearing, Judges can probe for additional information. Examples of questions include:

- What is the nature and extent of maltreatment in the family situation? Can it be controlled if the children remain in the home?
- What are the safety and risk issues:
 - How vulnerable is the child?
 - What threat of harm exists?
 - What are the parents' protective capacities?
- If there are signs of safety concerns,
 - What specifically offsets the danger?
 - What are the controlling safety interventions and how do they mitigate safety and risk factors?
 - What is the direct and logical relationship between the safety plan tasks and the way threats operate in this family?
 - Are the strategies/safety interventions accessible and available when threats to the child are present?

Have the conditions for safe return of the child or safe case closure been met?

Why is this important?

Early in the life of the case, it is important for the court and all interveners to identify the conditions necessary for safe case closure. This ensures that everyone involved has a clear and shared understanding of what changes must occur within the family so that parental functioning can adequately sustain safety and well-being for the child.

For more information about Child Safety

This newsletter was adapted from the "Safety and Risk of Harm" February, 2008 Practice Bulletin developed by the Department of Human Services which can be found on the web at the following address:

<http://www.dhs.state.ia.us/Consumers/ChildWelfare/BR4K/PracticeBulletines/Practice%20Bulletins.html>; and from "Child Safety: A Guide for Judges and Attorneys", Lund and Renne, which is available online from the ABA at http://nrccps.org/documents/2009/pdf/The_Guide.pdf

For more information about Iowa Children's Justice

For more information about Children's Justice contact Gail Barber, Director, at gail.barber@iowacourts.gov.

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