

Arizona CPS myths identified, cleared up by experts

by **Mary K. Reinhart** - Nov. 27, 2011 12:00 AM

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Arizona's child-welfare system has come under a microscope in recent months, with most of the attention focused on several high-profile deaths and how the state's Child Protective Services might have prevented them.

State officials said at least six children, who had been the subject of one or more CPS reports, have died so far this year. Of the 70 children whose deaths officials attributed to maltreatment in 2010, 18 had prior CPS involvement.

As a gubernatorial task force on child safety works on recommendations, which will likely become legislation in the coming session, misconceptions and myths abound about the responsibilities and rules governing CPS and its workers.

"The myth is that there's a simple solution to this problem," said Karin Kline, who spent 26 years in a variety of CPS positions.

Another is that there are obvious red flags to show CPS workers which children should be removed, she said.

"That the kids who are killed have prior physical injuries and a prior report that a CPS worker somehow overlooked," she said. "Often, it's a kid sent to school dirty or hungry, or mom's got drug problems."

The Republic asked experts to help identify common myths surrounding child abuse and neglect. Among them: CPS can force parents or caregivers into drug or mental-health treatment or to accept other services, such as parenting classes and child care.

In fact, state law limits the authority of CPS to require anything of parents or caregivers accused of abusing or neglecting their children. And the law requires the caseworker to inform the family of this right at the beginning of an investigation.

Once caseworkers remove children and place them in state custody, a judge can require the family to meet certain conditions in order for the state to return the children. Parents might be able to keep their children under an "in-home dependency," which also involves a court order and requirements parents must meet to prevent the child's placement into foster care.

But short of a court order, the law states that a CPS worker "has no legal authority to compel the family to cooperate with the investigation or to receive protective services offered."

CPS will offer services to families accused or at risk of abuse or neglect, but participation is voluntary. Officials said families who agree to participate voluntarily are more likely to benefit than those forced to accept treatment or services as a condition for getting their children back.

Budget cuts over the past several years, however, have reduced the extent and the timeliness of voluntary services.

Confidentiality laws prevent CPS from talking publicly about cases.

In fact, Arizona has one of the least restrictive confidentiality laws in the country. State law allows the department to "confirm, clarify or correct" information about a case of child abuse or neglect that already has been made public.

That might include a situation where police investigating a missing or neglected child-release information about prior CPS involvement in the case. CPS could speak publicly about the case to correct misinformation or explain what caseworkers may have done to try to help the family.

The department rarely takes that opportunity, however, and some say that can make it appear that it's got something to hide.

"They can talk until they're blue in the face if they so choose," said Richard Wexler, executive director of the National Coalition for Child Protection Reform. "If they don't talk, they're stonewalling."

Kline sees it differently.

"The myth here is that CPS is not talking to cover for themselves," said Kline, now with Arizona State University's Center for Applied Behavioral Health Policy.

The agency does release basic information about child fatalities and near fatalities. One of the concerns about providing more information, however, is that it could endanger federal funding under a child-welfare law that has its own confidentiality requirements.

But Wexler said that's just an excuse. Federal officials have never taken a nickel away from a state for a confidentiality breach, he said, and the move in recent years has been toward more openness, not less.

Most children are killed by their mother's boyfriend.

In fact, mothers were the perpetrators in 34 out of 70 child maltreatment deaths in 2010, according to the Arizona Child Fatality Review Program, and fathers were responsible for 18 child deaths.

A mother's partner was the culprit in six child deaths last year.

"It's true that a boyfriend presents a risk factor to a young child," Kline said. "But it is not true that they're more likely to harm a child."

The statistics reflect the fact that mothers are the primary caregivers. Sixteen of the child-abuse and neglect deaths in 2010 were because of prematurity or other medical causes, such as a mother failing to seek medical care for a child or a baby born prematurely because of prenatal drug exposure.

Child abuse and neglect is spread equally across all socio-economic levels.

In fact, the most recent federal study shows that children in families earning below \$15,000 a year are more than five times as likely to be considered maltreated compared with other children.

Researchers aren't clear whether that's because of the stress of poverty, or if greater scrutiny by state agencies results in more abuse and neglect reports. Most of these families receive some kind of public benefit, such as food stamps or subsidized housing.

"The more challenges that a family experiences and the more stress a family experiences, the more likely children's needs aren't going to be met, and they're gonna be abused" or neglected, Kline said, adding that the vast majority of low-income families don't abuse or neglect their children.

Other factors that can put children at risk include lack of child care and health care, and the lack of support from extended family. Some argue that case managers sometimes confuse poverty with neglect, and they remove children instead of offering help that would keep families together.

"The biggest connection between poverty and neglect is the confusion of poverty with neglect," Wexler said.

"Either way, your best solution is to target the poverty."

