

Protective Supervision: An Exploratory Study— Strengthening the Capacity to Respond to Children in High-Risk Families

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Summary

Through state-wide focus groups and interviews with representatives from child protection and the judicial system, this study explored the understanding of and circumstances for Protective Supervision. A summary and striking finding is that there is no common understanding of the concept, definition, or uses of Protective Supervision among the respondents throughout the state. Among those counties that did understand and use this court disposition, reunification was the most common circumstance for its use; however, counties that use Protective Supervision report a variety of differing circumstances. Three factors appear to explain the wide-ranging responses to Protective Supervision:

- The relationship between child protection and the court system
- A local culture of resistance to any intervention or involvement from child protection or the court unless the child is in imminent danger
- The perception of the availability or unavailability of resources to provide oversight and close supervision

Relationship to Policy and Practice

Protective Supervision provides a tool for realizing the federal mandate under the Child and Family Service Review's (CFSR) guidance that "children are safely maintained in their homes whenever possible and appropriate" (Federal Register, Vol. 70, No. 214, November 7, 2005). Representatives in the child welfare and judicial systems who are familiar with Protective Supervision note that it is an important family preservation strategy that has the potential to prevent out-of-home placement and re-entry into foster care.

Project Results Summary

The key overarching finding is that there is no common understanding of the concept, definition, or uses of Protective Supervision among the respondents throughout the state, either in the child protection or in the judicial systems. Although the continuum of responses to maltreatment was a widely accepted framework, the position of Protective Supervision as a centrist option between Family Assessment and removal of children from home was not clearly grasped. Three factors appear to explain the wide-ranging responses to Protective Supervision:

- The relationship between child protection and the court system
- A local culture of resistance to any intervention or involvement from child protection or the court unless the child is in imminent danger
- The perception of the availability or unavailability of resources to provide oversight and close supervision

The following highlights come from the observations of those counties who were familiar with Protective Supervision and used it in practice (estimated at 30-50 percent).

Circumstances for Protective Supervision

The following are the most commonly reported circumstances.

Reunification

Respondents from both the child welfare and judicial systems reported that reunification after an out-of-home placement is the most common circumstance for Protective Supervision. Several respondents noted that high re-entry rates are often related to child behavior problems rather than parental issues. In order to stabilize the reunification process in these instances, Protective Supervision is regarded as the least restrictive means for these children to be maintained at home. Since the reunification period is, generally, one of stress and uncertainty as relationships are re-established, the necessity of supportive services is recognized. Illustratively, among the supportive services for the children and family, respite care and brief stays in therapeutic environments are often required to relieve stress. Protective Supervision is a pathway to such services.

Substance Abuse

Time needed for substance abuse detoxification, treatment and rehabilitation with mental health services is often inconsistent with the brevity required in a permanency framework. Protective Supervision, which is not time limited in statute, is often used in these cases to “buy time” and “keep parents in line with treatment.” Reports to the court on the capacity of parents to improve, to stabilize the household and to contribute to the safety and well-being of the children usually extend the time allowed before Termination of Parental Rights (TPR) is considered.

Compliance with Case Plans

Counties reported differing perspectives on the use of Protective Supervision when parental compliance with a case plan is incomplete or marginal. Some counties report using Protective Supervision extensively when parents were “uncooperative,” whereas others reported that Protective Supervision is a tool only when parents demonstrate stability and cooperation. The use of compliance to measure the ability of a parent to safely maintain their children at home attracted mixed reviews. As some respondents pointed out, compliance with case plans (attendance at parenting classes, sobriety, using basic services responsibly) may not be related to improvements in parenting. Non-compliance may have several interpretations. In rural counties, transportation and long waiting lists for chemical dependency treatment were often cited as genuine factors in non-compliance.

Educational Neglect

Respondents reported differing observations regarding the use of Protective Supervision in cases of educational neglect. Some reported frequent use, especially in the case of younger children, whereas others reported that in a county that is overburdened and understaffed, educational neglect is given a very low priority in a maltreatment caseload of serious neglect and abuse.

Single Incident

Respondents reported using Protective Supervision with single incidents, such as when the maltreatment of a child is due to the mother’s partner, and the perpetrator is no longer in the picture. This often occurs in situations of sexual abuse or domestic violence when the perpetrator has left the family after the abuse was reported.

Role of Protective Supervision in Reducing Out-of-Home Care and Re-entry

Some respondents suggested that Protective Supervision can be considered when the parents demonstrate a tangible interest in caring for the safety and well-being of their children, even when compliance with the case plan is partial. In these situations, representatives in the child welfare and judicial systems who are familiar with Protective Supervision (because it brings support services and a monitoring presence) note that it is an important family preservation strategy that can prevent out-of-home placement and re-entry into foster care.

Issues in Closing a Case

The length of time Protective Supervision is ordered varies. While Protective Supervision, in statute, does not have a timeline, court rules require a court hearing every 6 months (Minnesota Rules of Juvenile Protection Procedure 41.06, Subd. 2 (b)). More commonly, many respondents said the court holds review hearings after 90 days. Responses were mixed on keeping a case open for extended periods. While there was agreement that a case by case decision should be made, many respondents from both child protection and the

judicial systems emphasized the civil rights argument that families should not be under surveillance without clearly understood limits.

The Rural Factor

Rural county child welfare supervisors and front line workers reported several themes that can affect their capacity to respond to Protective Supervision requirements. Most persistently observed was a lack of available services. For rural counties the following gaps in services were noted: an absence of a therapeutic base, which affects their ability to provide bilingual therapy, children's mental health and psychiatric care, grief counseling, nontraditional therapies, and treatment for chemical dependency relapse; a lack of transportation and child care; difficulty recruiting foster care providers and personal care attendants; and a lack of choice in providers.

Recommendations

Protective Supervision provides important opportunities for strengthening the child welfare system in these ways:

- responds to the "least restrictive" mandate
- encourages active relationships with schools, community agencies, and the judicial system
- creates an option for delinquent children committing first offenses
- provides a foundation for training across disciplines

To that end, the following recommendations are offered:

- Create visibility for Protective Supervision as an option in a continuum of responses to determined maltreatment reports:
 - Appoint a task force representing child protection and the judicial system to develop guidance for best practices in Protective Supervision.
 - Develop standards that are suggested but not mandated.
 - Support documentation of Protective Supervision in SSIS through core training and SSIS mentor meetings.
 - Review cases in Protective Supervision in county reviews (CFSR).
 - Strengthen relationships between child protection and the judicial system.
 - Suggest items for CJI agendas.
 - Conduct joint training for the child protection system and the judicial system about what is possible and appropriate in seeking and ordering Protective Supervision.
 - Strengthen the uses of case conferences that include child protection, county attorneys, GALs, and Public Defenders.
 - Improve practice by developing content for workshops and training on assessment.
- A copy of the full report is posted on the CASCW web site.

Selected Illustrative Case Studies

Case Example #1

A multi-problem single parent family with educational neglect as the maltreatment allegation.

Marie is a young, single mother with two school-age children and a baby at home; her first child was born when she was 15 years old. Currently, Marie receives MFIP to cover the family's basic needs, such as rent and food, but often finds it difficult to pay other bills. Marie feels overwhelmed by the responsibilities of being a parent. Marie has a history of mental health issues, but she is not currently receiving any services to address these issues. Marie's mother lives nearby and offers the family some support, but reports that her relationship with her mother tends to fluctuate. Marie grew up witnessing her mother be severely abused by her stepfather.

This family came to the attention of child protection due to a maltreatment determination of educational neglect. Marie reports that the family oversleeps, which results in the children missing the school bus. When this happens, they do not have transportation and cannot always find someone to take the kids to school. Marie also reports that sometimes her oldest child is difficult in the morning because he does not want to go to school – she says that sometimes it is easier just to let him stay home. The children state that they are often very tired in the morning and it is hard to get up. They report that their mother is usually sleeping in the morning and is not up to help them get ready for school.

The school reports that both children are very bright, but are behind their grade level due to their excessive absences. The older child has an IEP due to his behavior issues last school year. This school year the social worker reports that the child seems to display symptoms of depression and anxiety – at times even expressing feelings of hopelessness. The older child also reports to the school social worker that he feels great responsibility for the care of his younger siblings.

The two oldest children have the same father – he stays with the family on an irregular and inconsistent basis. This father is also in and out of jail. A few years ago, Marie called the police on this father because of physical violence toward herself. Marie said that he only hit her that one time – she does say that he often threatens her and she feels somewhat controlled by him. The youngest child's father is not involved with the family.

Protective supervision is useful in this situation because there are various issues that put the children's safety and well-being at risk – the family has a need for supportive services in order to address the underlying issues that keep the children from attending school. Protective supervision allows the children to remain in the home and while supporting the mother with case plan goals.

Case Example #2

The use of Protective Supervision to stabilize a multi-problem family:

- Father is autistic and has low cognitive functioning, victim of domestic violence from wife.
- Wife has schizophrenia.
- Four children: with the exception of the youngest child, the others have some form of mental or physical disability.
- The family has been involved with Child Protection for 20 years and frequently moves between counties.
- According to the Guardian ad Litem, once the parents were compliant, the kids were returned home under Protective Supervision as a “stop-gap.” There was a change in behavior (the domestic violence stopped and the father “stepped up to the plate” with his responsibilities). The GAL argued for continuance of Protective Supervision. The judge disagreed stating that it was too costly to maintain Protective Supervision and it was unnecessary because the parents were compliant.
- Disagreement on the length of time to keep the family under supervision.

Discussion Questions

- How can we strengthen the relationship between the courts and child protection?
- Discuss balancing the privacy rights of parents and children “to be left alone” when they have completed the case plan versus the obligation of the system to monitor the safety of the children in high risk families. How can we reconcile these opposing interests?
- In order to provide evidence for the court, how frequently should child protection have face-to-face interaction with the family and under what conditions?

Selected References for Additional Readings

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Villanova Law Review. (1967). Legislation as Protection for the Battered Child. 12(2), 313-323.

Resource List

- MN Department of Human Services Social Services Manual Children's Protective Services, XVI-4000 Based on statutes and rules in effect as of 08/01/2000

Potential Guest Speakers

- Ann Ahlstrom, Children's Justice Initiative Minnesota Supreme Court 25 Rev. Dr. Martin L. King, Jr. Blvd., Suite 105 St. Paul, Minnesota 55155-3832 E-mail: ann.ahlstrom@courts.state.mn.us
- Christeen Borsheim, Community Partnerships Minnesota Department of Human Services 444 Lafayette, MS 0962 St. Paul, MN 55155 E-mail: christeen.borsheim@state.mn.us