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Four Commentaries: How We Can Better Protect Children From Abuse and Neglect

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the courts to get this information, because many government agencies argue that confidentiality rules prevent them from opening their records, or because these agencies simply do not compile relevant information. The information collected from records becomes the first comprehensive history of children's actual experiences, both at the front end of the system when a first report of abuse or neglect is made, and later on if they enter the system and continue in placement. The evidence is collected and statistically analyzed in such a way that it can be used to paint a comprehensive picture of the system: showing how children have been harmed; describing what is wrong with practices and procedure; and indicating what specific changes must be made to correct the problems.

By contrast, politicians who undertake reform are likely to draw only on the most expedient approaches to quieting public outrage, for instance, by renaming and restaffing a bureaucracy without taking the time to fully examine why the system is not working. At its best, well-planned strategic litigation is not motivated by a political agenda but by a thoughtful process that relies on national and local experts in child welfare to find the root of the problems, and to propose a variety of approaches to reform.

Litigation can also organize community resources in a reform effort by persuading key individuals in a child welfare system to recognize their common goals and work together in a nonadversarial fashion. With the possibility of litigation squarely on the table, child welfare administrators, litigators, and other players in the community are forced to ask themselves whether they want the same goals for children. They must also ask themselves whether they want to fight about these goals or sit down and work together to achieve them as quickly as possible. Experience shows that the parties often will choose to work together toward the goals they seek—at least once it is clear that in the absence of voluntary cooperation the court will intervene.

Conclusion

Left to their own devices, in the absence of focused and sustained pressure, too many gov-

ernment child welfare systems have responded to the crisis of the day—or the decade—with the eager acceptance of single, simple operating principles as a substitute for what any system truly needs: adequate management, a competent workforce, sufficient resources, and the capacity for professional decision making.

The operating principles discussed here, family preservation and child protection, are not the only ones that will affect what happens to children. Other apparently appealing solutions, like privatization and neighborhood-based services, now also loom large on the

agenda. The degree to which these will be used as single-principle solutions remains to be seen, but past practice suggests serious future problems if they are promoted as the cure to all that ails child welfare systems, or if they are used to ease pressure on politicians without regard to rigorous monitoring of the quality of services, supervision, and protection that are actually provided to children.

Often lost in the midst of all of these competing principles, of course, are the interests of Marisol and hundreds of thousands of children like her. And in the absence of their own trade associations or lobbying groups, and in the face of the devastating consequences these

failing child welfare systems inflict on our most vulnerable, helpless citizens, these children probably need their lawyers.

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2. National Council on Crime and Delinquency. *An analysis of the Milwaukee County child protection and foster care systems: Results of case readings conducted for Milwaukee County Department of Human Services and the Children's Rights Project of the ACLU*. Washington, DC: NCCD, 1995, pp. 26–27.
3. Stein, T.J. *LaShawn v. Marion Barry, Jr.* Vol. 1. Children's Rights Project of the ACLU, pp. 30–31.
4. Marisol Joint Case Record Review Team. *Marisol v. Giuliani*. Services to Families with Open Indicated Cases, August 1, 1997.

3 COMMENTARY

Leroy H. Pelton

Editor's note: Leroy H. Pelton, Ph.D., is professor and director of the School of Social Work, University of Nevada, Las Vegas, and professor emeritus of the School of Social Work at Salem State College in Massachusetts. Formerly, he was special assistant to the director of the New Jersey Division of Youth and Family Services. Dr. Pelton has written extensively on social work, child welfare, and social policy issues, focusing especially on the impact of child welfare policy on poor families.

The fundamental structure of the public child welfare system is that of a coercive apparatus wrapped in a helping orientation. Agencies ostensibly having the mission to help are mandated to ask whether parents can be blamed for their child welfare problems, and

these agencies have the power to remove children from their homes. Thus, the public child welfare agency has a dual-role structure: On one hand, the agency attempts to engage in prevention and support, and to promote family preservation; on the other hand, it also has the task of investigating complaints against parents and removing children from them. This fact has had enormous consequences for the fate of child protection.

Late in the nineteenth century, the Societies for the Prevention of Cruelty to Children (SPCCs) initially focused on rescuing children from “bad” parents; and only gradually, during the 1910s and 1920s, did they also embrace the rhetoric of family preservation. It is fascinating, in the context of present-day child welfare reform rhetoric, that the Massachusetts SPCC, a leader in this dual approach, established community-based social service centers throughout the state, thereby gaining political support for “child protection” from liberals as well as conservatives.¹ Yet there is reason to believe that the agency continued to remove children from their homes as much as before, and perhaps no less than its more single-minded and enthusiastic child rescue counterparts in New York City and elsewhere.² One can imagine that, in finding more and more people in need of help, the Massachusetts SPCC workers also found more and more who seemed in need of judgment. When workers were disposed both to help and to judge, business for both supportive family preservation and coercive child rescue efforts thrived. Unsuccessful attempts to change the parents further justified actions to rescue the children by taking them from the parents.

Parent/Professional Relationships

The current child welfare agency’s structure assumes a position of both helper and judgmental coercive agent, much as it did in earlier days, and it repels parents in need of help from seeking it. Parents fear that the problems they perceive they have will be reinterpreted by the agency as child neglect, with intervention consequences that they neither sought nor desired. The public child welfare agency is

regarded by many parents with child-rearing problems more as an enemy than a friend, as something to be feared and avoided, and certainly not as a place to come voluntarily for help. Thus, relationships with child welfare agencies are far more often initiated by complaints filed by others than by self-referrals on the part of parents.

These relationships are fundamentally distorted by the agency’s coercive dual-role structure. Since the relationships are authoritarian and coercive, the agency has no incentive to respond to the needs perceived by its

clients. Even if the agency’s caseworkers are sympathetic, understanding, and inclined to be responsive to parents’ perceptions of their needs, the agencies themselves are not, in that they do not develop the resources wanted by the parents. Thus, it is quite common that the supports and services parents want are not the ones that are offered by the agency.^{3,4} However, the parents are not free to vote with their feet, for they will then be judged as uncooperative, often with dire consequences.

On the surface, at least, the child welfare agency-client relationship has the appearance of a traditional professional relationship. The

professional prescribes the treatment for the client. But the relationship, say, between a physician and a patient is authoritative, not authoritarian. The patient does not anticipate that the physician will judge her or him as a person and take coercive action.

Moreover, physicians may be able to prove that their remedies have been successful in the past. They thereby win or earn the trust of their potential patients. Indeed, their past success in general has inspired patients’ confidence in them. This is not the case with protective child welfare. Instead, the fact of growing foster care placements, together with child welfare professionals’ own assertions of rising tides of child abuse and neglect, attest to their lack of success.

In lieu of success, an authoritarian relationship between professional and client is needed to maintain the authority and dominance of professional specialties. In turn, the professionals come to have a vested interest in maintaining the status quo, and even expanding their industry by broadening their claims. The less success they can show, the more hysterical become their cries of a “growing” problem. Embarrassed by the fact that the vast majority of their coerced clients are poor people, they have always been quick to defensively assert that “not all poor people abuse and neglect their children,” and that “many abusing and neglecting parents are middle class.” Yet the increasing numbers of impoverished children they claim to be abused and neglected implicate a very substantial proportion of all poor families.

The Politics of Child Welfare

Child welfare advocates, including many who consider themselves liberal, have helped to demonize the poor through the great child abuse crusade that began in the 1960s and that continues unrelenting at the present time. Unwittingly or not, child welfare advocates contributed to the negative stereotypes of impoverished parents and the political atmosphere that paved the way for punitive AFDC⁵ “reform” to become the law of the land in 1996. Indeed, an alliance between liberals and conservatives maintains and sup-

ports the child protection system as currently structured.

Our definitions of key child welfare concepts are based upon simplistic assumptions that parents alone are to blame for injuries to their children. The term “child protection,” in current usage, refers to protection from “child abuse and neglect,” which in turn denotes the culpability of parents in harm or danger to their children. These definitions thereby promote the erroneous notion that the most widespread threats to the safety and well-being of children stem from the misbehaviors of their parents. It is almost a given in the field today that, short of removing the children, the only alternative is to change the parents.

Our definitions therefore hold out the promise that if accused parents will only understand our benevolent intentions and cooperate with us, we can help. Public child welfare agencies, with their dual-role structure combining help and coercion, thus proved to be the perfect host vehicles for the child abuse crusade launched in the 1960s. The child rescue efforts of these agencies (providing foster care and promoting adoption) could be accelerated, facilitated by the appearance of benevolent treatment for parents, and by increased funding that was backed by both liberals and conservatives. The dual-role structure of the agencies has made it possible even for monies specifically designated for social services and family preservation to be channeled into increased child rescue efforts and foster care.⁶ Thus, in the name of child protection, liberals have supported an increasingly coercive orientation toward impoverished parents.

In the name of child protection, liberals and conservatives have expanded definitions and agencies. They do so to help more people, and to do more prevention; and who is against child protection? It is the definition of child protection and the structure of child welfare agencies that is contestable, but few question this. The liberal notion of big government comes to fuse with the conservative notion of it: long on coercion and short on prevention. In any event, because of its incorporation of a

“preventive” orientation, “child protection” gains the support of liberals as well as conservatives.

Even if poverty and its consequences were to be more adequately addressed through other, noncoercive systems, child removal activity would continue at current rates, so long as we allowed the dual-role child protection system to persist. Many Western European countries, which have dual-role child welfare systems like ours, maintain at least as many children in foster care (proportionately) as we do in the United States, even though they have far lower child poverty rates and more progressive and extensive social wel-

child welfare agency should be entirely severed from it.⁷ The agency could then be devoted to the delivery of preventive supports and services, largely to impoverished families, on a voluntary acceptance basis, without accusation or blame. More importantly, transferring the task of receiving reports and the investigative function to law enforcement agencies, and placing the foster care system under the civil court system, would unmask the coercive part of the total child welfare system. No longer would impoverished families needing assistance be so readily subject to threat and innuendo as they are now. No longer, at least not in the name of prevention and family preservation, would public monies flow into coercion and family separation through foster care placement. No longer would the civil rights of poor people be violated in the name of child protection.

Subsequent reform proposals have recognized the need to have a mechanism through which help can be given in isolation from investigation and blame, but they fail to address my more crucial point that when a coercive approach hides behind a helping orientation, the dynamics reviewed here will continue on their destructive course. The key is the structure of the public child welfare agency itself. In most reform proposals, the gateway to services will still be the gateway to accusation, investigation, child removal, and foster care. Even with narrowed definitions of child abuse and neglect, such a common gateway confuses coercion and control with nonjudgmental aid and prevention, deters potential clients, distorts and misdirects funding streams, and inevitably denies clients due process. Moreover, widening such a gateway to include community health services, for example, might contaminate these services with current child protection coercive approaches, deterring potential clients from these services, as well.

Such recent proposals reflect, I believe, a fear of letting go of control. One proposal,⁸ for example, begins with the desire to separate the helping from the coercive role, but ends by extending investigations to most situations

fare supports for families and children.⁶ Maybe even in these countries there are always an ample number of parents in poverty to be judged, or perhaps a dual-role coercive system always has the ability and motivation to raise the parenting standards to be enforced. When it is placed under the cover of benevolent intervention, a coercive system can take on a life of its own and expand independently of need.

Directions for Change

Several years ago I proposed reforms that might address these problems. Greatly narrowing the definitions of child abuse and neglect is a necessary first step. Beyond that, the investigative and foster care functions of the public

that currently are vaguely or questionably characterized as child abuse and neglect. This reflects the fear of what would happen to the children if we loosen our coercive grip of surveillance and control. Yet the current system has not succeeded. Indeed, the child welfare system predicates its cries for increased funding not on evidence of past success in reducing harm to children but on the supposed growth of the problems themselves. Paradoxically, moreover, the more families we presumably try to preserve, the more child removals result.

It is high time that we face the fact that the dual-role child welfare agency structure is a failure, and that most current proposals for reform maintain rather than change the status quo. We should recognize that the approach of expanding coercion and control leads not to better but to worse outcomes in child protection, by any definition of that term. The coercive, paternalistic, and, indeed, discriminatory approaches to social problems that have passed for liberalism over the past decades must be rethought.

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gram that provided cash assistance to poor families until August 1996. See the article by Courtney in this journal issue for further discussion of AFDC.

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8. Lindsey, D. *The welfare of children*. New York: Oxford University Press, 1994.

University of Chicago. He served as president of the National Association of Public Child Welfare Administrators and as chair of the U.S. Advisory Board on Child Abuse and Neglect.

Most of the articles in this journal issue have presented views on the history of child protective services, the issues facing the field, and research findings that can guide the directions that the field might now take. This article will suggest that the development of community-based partnerships to protect children represents a direction of reform that is programmatically sound, is strategically feasible, and is the basis of the vast majority of current reform initiatives in the child protection field.

Is there a widespread readiness for significant change in how society attempts to protect children from abuse? My work over the past four years with a national child abuse prevention organization, a research university, and a county child protective services (CPS) agency has enabled me to undertake a fairly systematic exploration of that question. Reviews of the literature, focus groups with families participating in child protective services programs, discussions with elected officials, reviews of media coverage of child abuse tragedies, and discussions with civic groups uniformly indicate a readiness to pursue reform. Discussions with professionals working in and leading CPS agencies¹ have revealed

that even persons most intimately involved with child protection programs—while clearly recognizing that their programs have saved many children from abuse—want their programs to assume a significantly different focus. Throughout the discussions, a consensus emerged that the anticipated CPS reform should be community based and should rely on a network of services and supports offered by partnerships involving multiple sectors of society—tenets that are easy to propose but difficult to articulate in any level of detail. But this consensus is strong and represents the primary direction in CPS reform. It is being implemented in four demonstration sites supported by the Edna McConnell Clark Foundation. The same consensus underlies

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Michael W. Weber

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