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A Communitarian Critique of the Child Protective System

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Child Protective Services (CPS) has been defined as an ineffective system. Common criticisms are that the system is overburdened and that family preservation policy pressures CPS to reunite families that can't be repaired. However, empirical analyses that identify the deficiencies of this organization are limited. This study utilizes case files and in-depth interviews with interventionists within and outside of CPS to explore the issue. Results reveal that the most common criticisms of the system do have merit. However, it reveals additional system limitations. Results suggest that the child protective system is characterized by an individualistic approach and that this focus hinders its ability to protect children. Specific problems associated with this individualistic focus are identified and a communitarian framework is proposed as a way of reconceptualizing CPS deficiencies and needed solutions.

INTRODUCTION

In 1995 Elisa Izquierdo was on the cover of Time magazine. She was a six year old girl who, after enduring years of physical and sexual torture, was ultimately bludgeoned to death by her mother. The coverage emphasized that Elisa had repeatedly come to the attention of Child Protective Services (CPS), but it did not protect her. Cases such as Elisa's and corresponding critical assessments of CPS have consistently been in the news (Best, 1997; Johnson, 1989). Likewise, research shows that approximately one third of children reunited with their families by CPS reenter the system due to additional abuse or neglect (Courtney, 1995; Gorge, 1990; Wulczyn, 1991). In addition, scholars and practitioners regularly voice concerns regarding the efficacy of the system

(Gelles, 1996; Parent, 1996; Lindsey, 1994; Pelton, 1990). While many agree that the system is failing a sizable number of children, there are divergent views as to the particular systemic deficiencies responsible for high reentry rates.

Critics of CPS often represent liberal and conservative perspectives on state intervention with abusive and neglectful families. The liberal position tends to favor the current emphasis within CPS, which is to repair and preserve families. Their criticisms are of poor implementation of current intervention strategies. They present caseworkers as poorly trained, overworked, and apathetic, whos' work is riddled with errors (Costin, Karger and Stoesz, 1996; Parent, 1996; Valentine, 1994). Gelles (1996) offers a more ascerbic assessment writing, "it is only a mild exaggeration to state that the system, as it stands, depends on poorly paid 23 year olds who majored in art history to make life or death decisions" (p. 158). These criticisms often are associated with proposed solutions of lighter caseloads, more training of caseworkers, and hiring caseworkers with masters degrees (Abramczyk, 1994; Gelles, 1996). Conversely, the conservative perspective focuses on the futility of intervention and on the damage done by family preservation policy, which pressures CPS to return children to families that are often beyond repair (Costin et al, 1996; Gelles 1996). These arguments lead to calls for more prosecution of parents and easier termination of parental rights. The liberal and conservative debate as presented is admittedly oversimplified (Costin et al. 1996; Gelles, 1996). However, these positions, as outlined, are probably the most clearly defined, widely held, and influential ones in terms of affecting child protection policy and practice (N.Y.Times, 1998; Schran, 1997).

An alternate theory of CPS deficiencies, less prevalent in policy circles, is that CPS's biggest problem is not in implementation, but in ideology. Some have argued that the psychological model of casework is the dominant model of casework within CPS. This model leads CPS to emphasize individuals and to exclude external strains. While not labeled as such in the social service literature, for the present paper, this critique is subsumed under the broader rubric of communitarianism. Communitarians argue that excessive individualism in American society leads those responsible for defining and addressing social problems

to deemphasize the role of the environment in contributing to the problem and in being necessary parts of the solution (Bellah, Madsen, Sullivan, Swidler, and Tipton, 1985; Etzioni, 1994). Thus, solutions are often inadequate.

Best's work on social constructionism and child abuse (1997) reveals that media portrayals of the problem and its root causes are regularly biased towards individualistic rather than social accounts. This, arguably, promotes individualistic solutions. Likewise, early analyses of child abuse and neglect were dominated by psychological explanations and the resulting influence on interventionist philosophy is well-documented (Toikko, 1999; Jimenez, 1990). Research later revealed external strains such as poverty and isolation to be associated with child maltreatment (Kinard, 1987; Garbarino & Kostelny, 1992; Light, 1973; Pecora, Whittaker, & Maluccio, 1992; Spearly & Lauderdale, 1983). Consequently, sociological/ecological models were incorporated into social work training (Bronfenbrenner, 1977; Frankel, 1988; Wakefield, 1996). Some argue that these views have infiltrated social work practice (Tower, 1993; Whittaker & Garbarino, 1983). Others posit that the psychological model remains the predominant intervention model in the system (Janko, 1994; Lally, 1984). These scholars note that while there are numerous accounts of programs that attempt to incorporate an ecological framework, these programs are not the norm and are often not implemented as planned (Frankel 1988; Goldstein, 1990; Janko, 1994; Kahn & Kamerman, 1990).

While critiques of CPS are abundant, empirical support for them is sparse. An overburdened system and policy pressures are the most common criticisms. However, there is little empirical evidence to suggest that these are the premiere problems within the system which contribute to reentry. It is likely that children are reabused due to caseworker negligence and policy pressure, but are these typical reentry cases? Research on system deficiencies usually comes from singular sources such as an expert opinion, a dissatisfied caseworker, or a tragic case file (such as Elisa's). These could represent extreme cases rather than the most pervasive problems (Maluccio, 1997). Thus, an exploration of other critiques, such as the communitarian critique, is justified. However, as with the liberal and conservative perspectives, there is little

empirical support for the communitarian critique. Only one study has offered evidence of an entrenched individualistic approach and associated negative consequences. Janko (1994) conducted in-depth interviews with parents in the system about their experiences. She notes their complaints that external social and financial strains were not addressed despite their relevance. She points out that at the end of the interventions "specific skills may have changed, but familial contexts have not" (p. 117). However, her sample was quite small and reflects only the perspectives of parents, a view, which could be heavily biased against CPS intervention. In sum, many assertions regarding the most serious CPS deficiencies are speculative. Thus, scholars have called for more research (Staff & Fein, 1994). More specifically, Costin et al. (1996) lament that "Anecdotal evidence continues to replace the rigors of scientific research" (p. 100) in the area of CPS deficiencies.

This research does not focus on single cases, caseworkers, or parents, but instead uses triangulated methods to explore CPS deficiencies. Numerous case files of abused and neglected children reunited with their families, and in-depth interviews with interventionists from within and outside of CPS are used to explore why reabuse and reneglect rates are so high. These multiple data sources are employed to address questions such as, 1) which family problems are not responding to the intervention and why, 2) are caseworkers aware of the fact that certain deficiencies are not being repaired, and if so, 3) why aren't these children removed or services extended? Particular attention is paid to whether the liberal, conservative or communitarian critiques offer an accurate view of the system deficiencies most likely to contribute to recurrence.

DATA AND METHODS

For this study, fifty-nine family reunification case files were drawn from a database of 1515 cases served in Houston, Texas from 1993 to 1996. These 1515 cases represent all of the cases of children removed from their families and placed in foster care due to abuse and/or neglect and subsequently returned to the family by CPS. These [hard copy] case files offer in-depth information on the children, their families, and the intervention process. Comments and reports from caseworkers, family members, judges,

ad litem, therapists, and police officers reveal detailed information on cases. A previous study utilizing these files showed that cases involving neglect, previous referrals, criminal history of the caregiver, substance abuse, parents' competency limitations, and social support deficiencies had a higher risk of system reentry than other cases (Terling, 1999). In the present study, the case files are reviewed in more depth where these risk factors are present. The intent is to gain insight into why these problems are resistant to change by the intervention (e.g. do substance abusing parents not receive services due to caseworker oversight or are the services received, but simply ineffective?).

While the case file analysis offers an important starting point for an investigation into system deficiencies, this study is largely based on the general perspectives of interventionists regarding why reentry is so high. Twenty-nine in-depth interviews, each lasting approximately an hour, were conducted. I spoke with those within the system (CPS caseworkers and supervisors) about barriers to protecting children. While they serve as important informants into the workings of the system, they might reflect a social desirability and/or selectivity bias. Those committed to the system may not be willing to reveal its flaws. Consequently, I also interviewed supervisors from an organization called Child Advocates. Child Advocates (CASA) is a non profit organization that works with CPS on family reunification cases, providing services and making assessments for the courts. CASA supervisors work closely with CPS but are not part of the system. Thus, they can serve as informants into the workings of the child protective system. I also interviewed three family reunification judges who play a critical role in decision making on these cases. While these in-depth interviews will not definitively identify the most critical deficiencies in the child protective system, they offer a systematic exploration of the weaknesses of the Child Protective system which contribute to the continued maltreatment of children.

Keep in mind while reading this study that it is an investigation of family reunification cases and interventionists working on these types of cases. Family reunification cases are those in which the children were removed from the home and placed into foster care due to abuse and/or neglect and later returned to their families. These cases differ from family preservation cases where

services are provided to the family, but the abuse or neglect is not considered severe enough to warrant removal of the child. Since family reunification cases by definition are more severe, it is likely that they will receive more attention from Child Protective Services. However, my earlier research found reentry rates of 38% on family reunification cases, suggesting that concern about system efficacy is warranted even with cases where CPS involvement is high (Terling, 1999).

RESULTS

As discussed, the most common complaints of practitioners and scholars are of unknowledgeable and overburdened caseworkers and policy pressures that reunite children with families that can not be repaired. My research supports each of these criticisms. However, I also find that these system deficiencies are far from an adequate explanation for why so many of the children who enter the system are not being protected by it. The analysis that follows provides information on the merits of the most common criticisms of the system and raises additional issues to consider in understanding system deficiencies.

Common Criticisms

In this study, respondents (interventionists) agree that caseworkers do not receive training or information that enables them to easily offer a profile of reentry risks. They note that developing a profile of reentry cases is difficult for caseworkers because they receive little feedback about the long-term outcomes of cases. For example, if caseworkers close a case one year, and the next year an additional referral comes in, they may not necessarily be notified or assigned to the same case again. However, while CPS training is limited, respondents reported that caseworkers are aware that certain types of cases, (neglect, substance abuse, previous referrals, etc.) are repeatedly in the system.

Another common assertion is that caseworkers, whether knowledgeable or not, are so overworked that errors in casework are inevitable. Respondents supported this assertion and identified excessive caseloads as a serious problem. They report that caseworkers have between 25 and 40 cases when a

more manageable caseload is around 15. One caseworker stated, "Sometimes we have so much coming at us we can't see straight".

While heavy caseloads are a problem, the case files do not portray reentry as due largely to caseworker error. Of the case files examined (n=59), only four reflected obvious mismanagement. Criteria for mismanagement were whether children were returned to a home where they had experienced severe and repeated physical and/or sexual abuse, and where the risk of additional maltreatment was known (eg. a sexual abuse case where the perpetrator had a history of convictions for pedophilia and who reportedly was not responding to treatment). My assessments of mismanagement are admittedly subjective. However, my intent is to determine whether cases exist that are similar to those in the media. It has been argued that cases such as Elisa's entailed risks obvious to even lay persons but that caseworkers were too overworked or apathetic to address these risks. The conclusion I drew is that these cases do exist. However, they are not the norm. In the vast majority of reentry cases, risk of additional physical or sexual abuse was not obvious. In addition, in two of the four cases where risk was evident, the decision to return a child was made by the judge, against the written recommendations of the caseworker. Thus, reentry is not always linked to negligent casework.

Gelles (1996) and Costin et al. (1996) criticize family preservation policy as placing too much pressure on CPS to reunite families. Most of the respondents acknowledge that policy does indeed emphasize family preservation, but most do not feel that higher level directives lead them to send children home who are in serious danger. The case files which reveal that most children return home to neglectful rather than abusive parents supports this contention. For the most part, respondents reported that termination of parental rights is common in abuse cases, that in most instances in which they have recommended it that it was granted, and that most key parties are in agreement on when termination should be pursued. In instances where the judge does not support requests for termination, respondents feel it was less of an issue of policy pressure than of the strength of the legal rights of parents in neglect cases, an issue that will be discussed in another section.

Additional System Deficiencies

Inadequacy of Risk Assessment Procedures. While caseworkers reportedly know that cases with previous referrals, substance abuse problems, low intellectual functioning, etc. are high risk for reentry, their formal assessments of risk often do not incorporate these factors. When assessing risk on a case, respondents reported that caseworkers strive to see each case as unique. They are discouraged from making generalizations based on whether the family fits a profile of a family likely to abuse again. The statement, "it goes on a case by case basis" was offered repeatedly by caseworkers when asked to identify risk factors. Respondents stated that the caseworker's approach to risk assessment is predominately to determine whether the primary caregiver has the ability and motivation to make the necessary changes. I argue that this approach hinders risk assessment by caseworkers in several different ways.

One problem with this approach is that those in the caregiver's social network and even the family are often thought to have minimal obligations or influence, despite the fact that these factors have been linked to abuse and neglect. Numerous cases in the case file analysis were closed even though external strains such as social isolation or a non-compliant substance-abusing partner were present. The focus on the primary caregiver is further indicated by a caseworker's comments regarding a neglect case. It was of a young mother, living with her children and her mother (the grandmother). The child advocate was working with the grandmother, encouraging her to repair the hazardous living conditions of the house. The caseworker strongly disagreed with this approach stating:

They (the child advocate) were trying to apply pressure to the wrong caregiver. . . . they were like, what is the grandmother doing to get the house fixed, but it is not the grandmother's responsibility. There is an adult parent; it is her responsibility to find a safe, secure environment for her children. It is not the grandmother's responsibility. If she doesn't want to ever return to that house it is up to her. So I felt, hey, you are focusing on the grandmother when it is not the grandmother's responsibility to do anything for these children."

This comment is informative as it suggests that the choice of who is the primary caregiver is an important one to be made,

rather than viewing the family as a system in need of repair. It also suggests that only the primary caregiver has a moral and legal responsibility to that child.

While the internal abilities and motivations of the primary caregiver are not the only relevant factors, they are of course important ones. Thus caseworker efforts to assess internal characteristics are likely not misdirected. However, making these assessments is quite difficult. Respondents and case files revealed that caseworkers attempt to identify the abilities and motivations of the caregiver by monitoring compliance with the treatment plan and by observing family functioning during home visits. However, analysis of case files reveals that compliance and these qualitative assessments of family functioning are not correlated with reentry. Glowing reports of family functioning and dedication to treatment were often associated with cases that subsequently reopened due to additional maltreatment (Terling, 1999).

Respondents recognize the limitations of caseworkers' assessment techniques, elaborating that parents' "presenting" was a terrible obstacle to accurately assessing risk. The fact that home visits are infrequent and usually planned facilitates this "presenting". One caseworker stated, "Everything could look rosy when I go out." Another stated, "The parent will clean up before I come out, but her ability to be consistent, that is what is in question." The privacy of the family creates barriers to understanding what goes on behind closed doors. Another caseworker noted that many parents were also quite skilled at deception, stating: "They are con artists, they really and truly are, especially someone who has been on drugs and the streets for years". While "con artist" is likely an extreme characterization, caseworkers feel that most parents will lie about what they are able or willing to do. Given the problem with "presenting", it appears that a necessary qualification for caseworkers is the ability to recognize when a parent is deceiving them. This skill does not automatically come with a masters degree in social work.

Inadequacy of Available Services. Respondents acknowledge that service plans are often not implemented in a timely manner due to heavy caseloads and high turnover. While the implementation of the service plan is clearly an important issue, the appropriateness

of the plan is revealed to be an additional concern. The CPS intervention model reflects the belief that the internal limitations of the primary caregiver are the cause of the maltreatment. Thus, the primary treatment approach is to provide the parent with information and therapy/counseling to overcome his/her parenting limitations. Respondents and the case file analysis reveal that these treatments are likely suitable and relatively successful for some problems. Case files and respondents suggest that parents practicing excessive corporal punishment, parents whose negligent behavior left their children vulnerable to sexual abuse by others, and parents who were physically or sexually abused as children tend to be receptive to information and therapy (see also Costin et al., 1996). However, low intellectual functioning and cases involving denial may not be particularly responsive to this approach. As noted from respondents and case files, these cases are higher reentry risks and there was much consensus as to why.

The general sentiment of many respondents was that therapy is a highly cognitive approach to solving problems and changing behavior that is not suitable for those with limited intellectual functioning. One caseworker explained, "We send people to individual counseling, and it probably is helpful, but they have no idea why they are going, and they may talk to somebody, but their understanding what they are talking about is a problem." Respondents also feel that even the general provision of information is an overly cognitive approach for these clients. One caseworker commented, "In parenting classes they tell you to do this, that, if the child does this, you do this. On one case that has been in the system for 14 years, she (the parent) has passed three parenting classes with flying colors. Can she implement anything? She cannot". Another caseworker noted, "these parents need to be shown, not told what to do. There needs to be help in the home or parenting classes geared toward parents with low functioning." In general, for low functioning parents, respondents offer very bleak assessments such as, "We are really missing the boat on that (problem)" and "We don't really have anything to offer." The misdiagnosis of needed services likely reflects the disconnect between the middle-class orientation of child advocates and practitioners and their more disadvantaged

clientele. For the middle class, it has been suggested that therapy has to some extent replaced social or community support. This approach to intervention is limited for the families that come to the attention of CPS with cognitive deficiencies.

Cases involving physical neglect and the associated denial of the parents also do not seem to respond to the services available. One respondent explained, "Neglect cases are hard to correct. Physical abuse is a bit easier, you can work with people and say, hey, you cannot beat your kids. It is not easy but it is easier. With neglect, people have grown up and lived their whole lives this way. There is not a class for that." Another stated, "I know they are coming back in because the parent is in so much denial. There is no service in the world we can provide to that parent to get them out of their denial". Another caseworker describes a difficult case and elaborates on the problem of neglect cases :

They (the parents) will be like, well I don't beat my child and they don't, but their child will have scabs all over them or rashes that haven't been treated, it just feeds in. Sometimes things left untreated will threaten the health of the child. If you are in a house where there are dog and cat feces lying around and you have small children picking things up off the floor and putting them in their mouths, you have a definite health hazard. A lot of people who grew up this way are just like, 'oh, the house is a mess, excuse me', and you are like, I am going to have to take custody! They don't understand why, they aren't leaving them alone or beating them

With these cases of denial, respondents speculated that many of these parents might have low intellectual functioning that simply is not identified. Respondents report that often, psychological tests are not given to clients due to the time and expense involved. Respondents stated that even if these parents did not have limited intellectual abilities, treatment would need to be support, demonstration, and assistance on a long term or permanent basis. If therapy is useful, it would need to be akin to an intensive long term resocialization process, not six weeks or even six months of parenting classes and counseling. Consistently, several scholars have argued that brief services characterizing CPS interventions are not sufficient for families whose problems are long-standing and severe (Besharov, 1994; Dore, 1993; Halpern, 1990).

Another limitation of services is the absence of mechanisms for lessening the external strains on these families. A common deficiency among maltreating families is the absence of social support, and these deficiencies have been linked to reentry (Terling, 1999). The previous discussion also suggested that long term external support is needed for many CPS clients to function as parents. It has been suggested that casework does work to develop external supports (Tower, 1993; Whittaker and Garbarino, 1983). Likewise, respondents reported that they work to develop supports for the families. However, respondents reveal that if isolation exists, the responsibility for that isolation is located with the internal limitations of the caregivers and the effort made is through information and therapy to "empower" the individual to affect his/her environment. In the interviews interventionists stated that parents can have friends and assistance if they are confident or assertive enough (issues they work on in counseling sessions). This finding is consistent with Pelton's (1992) and Jimenez's (1990) assertions that family preservation services are primarily aimed at changing people so that they can cope with their environment rather than at changing the environment. In addition, when respondents described their efforts to establish community supports, they usually referred to their success at setting up monitors: doctors, teachers, parole officers, that will inform them of any additional problems emerging for the families. However, teachers and parole officers do not baby-sit, model parenting techniques, or make themselves available on a day to day basis for emotional or instrumental support.

Given that respondents often acknowledge that services are often inappropriate for certain problems, they were subsequently asked, if you know that particular families aren't being repaired (eg. a fourteen year-old case), why do you return the children and/or close these cases? The following sections offer the reasons given by these interventionists why, in high-risk cases, children are often returned home and monitoring ceased.

The Legal System. In the court system, the child's right to be free from harm competes with the parent's right to his or her own children. As discussed, termination of parental rights is often and easily pursued in cases of repeated and/or severe physical

or sexual abuse. However, interviews with interventionists and judges reveal that parental rights often take precedence in neglect cases. The court decisions usually reflect the belief that if the child is not in imminent danger, the parent has the right to try to bring personal parenting skills up to CPS standards through the use of available services.

An additional problem is that the courts focus on the parent's compliance with the service plan (whether they have participated in services) as the primary indicator of improved family functioning. However, I found compliance to be uncorrelated with reentry (Terling, 1999). My interviews with interventionists are generally supportive of this finding. Respondents stated that compliance is an important part of decision making on cases but that it often does not mean that parents have changed. One caseworker expressed her frustration with this issue stating, "Basically if they cooperate, that is how they win"

Judges are not so rigid as to equate compliance and change if there is evidence to the contrary. However, gathering sufficient evidence is difficult. First, the burden of proof is not on the defendant (parent) to prove he/she will not abuse or neglect again, but on the state (CPS) to prove that he/she will, a more difficult position. In addition, in the legal system, what constitutes evidence is often narrowly defined. The parental history of abuse is often not considered relevant to decisions about whether the parent has changed. This is how a neglect case may have had twenty previous referrals but if the child is not in serious danger, the parent complies with treatment and appears to make progress, the history of maltreatment carries very little weight in arguing to keep the case open. This is consistent with Gelles' assertion of a ten strikes and you are out policy in the courts (1996). Finally, respondents report that caseworkers find much difficulty in accumulating evidence that the parent is unable or unwilling to change. Parents' "presenting" is a hindrance. Interestingly caseworkers mention that they often feel that they know when a parent is deceiving them. The problem is that their 'knowledge' of deception is based on "gut instinct", a term used repeatedly by caseworkers. This subjective tool for predicting risk is of little consequence for legal decision-making. One caseworker elaborated,

If the parent has done everything they needed to do. . . . if during family visits they are implementing new parenting techniques, what are you going to do? Even if you know in your gut this parent is going to physically abuse again or they are going to go back to using, there is nothing that you can do. It is hard for caseworkers when you know in your gut a parent is playing you. You can't go up to the judge and say look, my gut is telling me this, they are going to look at you like, yeah, well maybe you have indigestion!"

The judges spoke to me about the need for caseworkers to accumulate evidence sufficient to override the parents' rights to their children. Judges were frustrated with caseworkers' lack of appreciation for the rules and regulations of legal proceedings. One judge stated, "If you try a criminal and he is found not guilty, you can't just decide that you want to follow him around anyway. He is free to go". However, as mentioned, accumulating hard facts to prove that a parent will abuse or neglect the child again is difficult. In addition, this "evidence" will usually involve exposing the child to additional periods of chaos, uncertainty and possibly maltreatment. Thus, regardless of family preservation policy, the legal process supports parents' rights in such a way that makes termination of those rights particularly difficult in cases involving neglect of children.

Returning Children to Unsuitable Homes as the Preferred Alternative. Not all barriers to reducing risk on cases involve the legal system. Caseworkers, child advocates, and judges reported that they often agree a case is high risk but that the children should stay in the home. Often these decisions are made in spite of the fact that the home is considered unsuitable. Respondents report that they agonize over these choices. One caseworker described a case in which the parent has low intellectual functioning and was overwhelmed by the needs of five children. The parent was providing no structure, and the children were fighting among themselves with knives. This caseworker commented:

We are going to leave them with the parents, even though we already know what is going to happen. . . . This case is very difficult. I am just burned out. We are going to court in November, and we aren't going to do nothing (sic). I don't want to say the kids are doomed, but I don't know.

The interviews revealed that decisions to return children to unsuitable homes were not necessarily due to error, apathy or policy pressures, but were often carefully calculated decisions based on the limited options available. The majority of respondents reported that they often send children back to unsuitable homes because foster care is a worse alternative. They are concerned with the breaking of a strong bond between parents and children, the inevitable separation of siblings, the fact that foster care placements regularly breakdown (resulting in further trauma for the child), and that for older children (over 7) adoption rarely happens. Thus, while they generally feel that foster care is better than putting a child back in a home where he/she may be injured, when comparing it to a neglectful home with bonding and love it is seen as the inferior alternative. The following comments offered by the interventionists interviewed, emphasize their dilemma:

In foster care they get with people that really don't care about them and those children can feel that.

Even though the children are in a safe environment, it is not the same as being with people who really love you . . . See a foster family will call me up and say 'move him' whereas parents don't do that. Parents call on how to get advice or how to deal with a problem, but a foster family will call right away. It is a one, two, three strikes, and you are out. So what good is that doing for the child? Then the child knows, OK, they don't want me. We are left to deal with that.

Suppose there is a mother leaving her kids alone because she is out using. There are four or six kids, the oldest is twelve. With the new legislation we can terminate in a year. Do you know how many thirteen-year-olds get adopted? These kids know who their mother is. It is very easy for legislators to say OK, the parents have a year to get their act together, or the kids will be put up for adoption. Are you planning on building orphanages? Because we don't have enough foster parents. Kids that are shunted from placement to placement end up with behavioral problems, and they end up in residential treatment centers. They end up being medicated for very real behavioral problems . . . Just going termination happy, I don't think that is the answer.

Respondents feel the futures of many children (particularly older children) are grim. The neglectful home and foster care

are both likely to be unsuitable and adoption unlikely. One caseworker that had mapped out for me all the options available to her concluded with much exasperation, "I don't know, these cases, the children are always going to be the losers no matter what. I'm just burned out".

A caseworker posed an interesting question, "If there is no structure it is really bad, but the baby is bonded with the mom, what do you do? Is it better to take him away? I don't know, that is the problem." Caseworkers are often blamed for being ineffective, but this caseworker's point is duly noted. We don't have an answer to that question for her. Research has left caseworkers empty handed in terms of information to guide such decisions. Even if caseworkers had adequate training and/or advanced degrees and light case loads, they still would not know the answer to the question, is it better to leave a child in a neglectful home with love than to place him/her into foster care? Placing children's lives in the hands of caseworkers without giving them the tools needed to make decisions, coupled with extensive criticism of their work, it is surprising that turnover is not higher. The following statement made by a caseworker mirrors this concern and also encapsulates the many barriers faced by caseworkers discussed thus far, "In a year, I am going to change somebody's ways? Be realistic . . . and if she doesn't have the ability . . . It doesn't matter how much stuff we give her, it isn't going to happen . . . yet how are we going to penalize these people? If we took everybody's children, the astrodome won't be big enough."

DISCUSSION: A COMMUNITARIAN CRITIQUE

This study supports numerous criticisms already levied against the current system. Caseworkers do need lighter case-loads and more training and feedback. It is also true that family preservation policy leads many children to be returned to families with extensive histories of abuse and/or neglect. However, I find several additional deficiencies which, according to multiple data sources, make more critical contributions to reabuse and neglect. These deficiencies include inadequate risk assessment procedures, inappropriate and incomplete service models, the legal system's focus on parents' rights, and a lack of alternative homes for children. Though these limitations are difficult

to incorporate into the liberal or conservative agendas, they do not represent a random set of supplemental issues. Rather they reflect a broader problem in the state and society's approach to child protection, one that is similar to the social critiques offered by communitarians.

Communitarianism, championed by scholars such as Bellah et al. (1985) and Etzioni (1994) assert that a critical problem in American society is the rampant individualism that characterizes it. Individualism causes its citizens and policy makers to locate the source of social ills within the individual and to develop solutions aimed at addressing these individuals' problems. The liberal solution is usually to try and repair the internal deficiencies of people, and the conservative perspective is usually to punish or remove the individuals causing the problem. These solutions, do not account for the role of social structure or the broader community in contributing to the problem and in being necessary parts of the solution.

The system limitations identified in this research reflect an emphasis on the individual and a deemphasis on the community (broadly defined). As discussed, caseworkers' risk assessment procedures are a limitation because they focus on the internal abilities and motivations of the primary caregiver. They do not view the family as a system and they rarely factor external strains into their assessments of risk. However, other members of the household and the availability of social support networks are significant predictors of reentry (Terling, 1999). The narrow focus on the internal resources of the primary caregiver contributes to inaccurate assessments of risk. Risk assessments, post-intervention need to include external strains in addition to the internal capabilities of the primary caregiver.

Given that caseworkers attribute the cause of the maltreatment to the internal abilities and motivations of the primary caregiver, it is not surprising that the intervention focuses on this problem. Interventions primarily involve providing information and therapy to remedy the deficiencies of the primary caregiver. However, in certain circumstances of extensive or long-term problems (e.g. low intellectual functioning), this approach is ineffective. What is required is most likely long-term external support. However, this is not part of the intervention philosophy.

In addition, when external strains exist, they are not addressed directly. Environmental strains (e.g. social isolation) are attributed largely to the personal inadequacies of the caregiver. It is argued that if parents were more assertive or self-confident they would be able to develop support networks. This strategy essentially blames the victim and ignores structural factors. Interventions need to be expanded to include strategies addressed at remedying the external strains of caregivers. They also need to offer long-term assistance to caregivers with permanent deficiencies that impede their ability to raise their children. While this is obviously difficult to do, programs such as big brothers/big sisters and adopt a grandparent have successfully linked civic-minded volunteers with others in need of guidance and companionship. Similar programs could be developed to help neglectful parents with intellectual deficiencies with their parenting responsibilities.

The individualistic focus of the court system represents an additional barrier to child protection. The court system focuses on individual rights rather than responsibilities. Debates tend to center around whose rights should take precedence, the parents or the child's. The child has a chance when his/her right to physical safety are weighed against the parents' right to the child. However, when it is the parents' right to their child pitted against their responsibilities of parenting the child for his/her long-term mental health, and contribution to the community, the parents' rights usually take precedence. This position deserves close scrutiny. In some court cases, the supreme rights of biological parents are starting to be challenged (e.g. cases involving custody disputes between biological parents and step-parents). While some argue that America began and continues to be the most rights oriented nation, these court cases suggest that the emphasis on biological rights in the court system is not intractable.

A final limitation outlined is the lack of options for children who are removed from their biological parents. When it is recognized by the state and the courts that the child's needs are not being met, their options for the child are limited because of the lack of commitment of the community to provide alternative homes for these children. At this time the responsibility of the community that has been communicated is largely one of

reporting suspected cases of abuse or neglect, not of being part of the solution. Citizens are usually outraged at the failures of the system. However, their responses are rarely the recognition of their unmet responsibilities but of frantic efforts to identify the 'individual' responsible for the error (usually a caseworker) (Valentine, 1994). Best (1997) notes that the news media have been a critical contributor to this individualistic focus. Thus he argues that they have the power to recreate the publics' views of child abuse and neglect and their role in stopping it. Some feel that the competitive individualism of American culture precludes the public from accepting such messages. However, it is noted that through media coverage, what was once considered nobody's business (child maltreatment), is now everybody's business due to mandatory reporting laws. In addition, the communitarian position tends to call for more community rather than state involvement, which may be less directly contradictory to American values. Brawley and Martinez-Brawley (1999) outline the many opportunities that exist for utilizing the media to engage in productive public communication activities.

Finally, the individualistic focus is evident in the solutions proposed to repair the system. The liberal position often traces incidents of additional abuse and neglect to individual caseworkers who were too overworked to be effective. They argue for more support of the current intervention approach. The conservative position finds fault with the biological parent and seeks to remove or punish these individuals. Both of these perspectives focus on individuals and ignore the role of the community in contributing to and alleviating child maltreatment. Even if caseworkers could devote extensive time to cases, they don't have the tools to repair all these families. However, removing children with no place to send them is not an effective solution either.

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