



Parent gender and child removal in physical abuse and neglect cases



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ABSTRACT

Criminal justice research frequently investigates relationships between punishment decisions and demographic characteristics of the accused, such as gender, race, and age. While there are many similarities between criminal justice and child welfare cases, research on child maltreatment has yet to examine potential demographic influences on case outcomes. The current study examines relationships between parent gender, type of maltreatment, and child removal among agency responses to child maltreatment cases. Using data collected by the National Data Archive on Child Abuse and Neglect Data System (NCANDS), we identify differences in the likelihood of child removal from the parental home across type of maltreatment and perpetrator gender. Our results indicate that mother perpetrators of physical abuse not only face significantly higher likelihood of removal than mother perpetrators of neglect, but are more at risk for losing their children than father perpetrators of both physical abuse and neglect. Findings suggest that gendered attributions and stereotypes regarding parenting can shape assessments of parents' blameworthiness, dangerousness, and rehabilitative potential. We propose that future research on child maltreatment cases adapt and apply justice concepts and frameworks to uncover potential unwarranted demographic disparities in agency decision-making.

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1. Introduction

Reports estimate that nearly 3.6 million children become the subject of a child maltreatment investigation annually; state welfare agencies confirm that abuse occurred in a quarter of these investigations (U.S. Department of Health and Human Services, 2015). In most circumstances, agencies have considerable discretion in the enforcement of child welfare regulations, with regard to both the type of services provided and removal of children from the home. Social services agencies must make determinations of how best to proceed, but we know little about how these decisions are made. While agencies may be reluctant to permanently remove children from their home, some types of offenses, when committed by some kinds of offenders, may seem especially worthy of this response. Research examining institutional responses to child maltreatment cases across legal and demographic factors, such as type of maltreatment and perpetrator gender, is limited at best. This is unfortunate, as exploring disparities in resolution across case characteristics like demographics may reveal potentially unwarranted biases in social service agency decision-making.

This study examines the relationships between perpetrator sex, type of maltreatment, and removal as an agency response to child maltreatment cases. Using data collected by the National Data Archive on Child Abuse and Neglect Data System (NCANDS), we identify differences in the likelihood of child removal from the parental home across type of maltreatment

and perpetrator gender. We test whether mothers are more likely than fathers to have their children removed from the home, and whether type of maltreatment conditions gender effects. We find that while mothers and fathers accused of neglect face comparable likelihood of having their children removed from the home, investigations of mother-perpetrated violence are substantially more likely to result in child removal than cases of physical abuse committed by fathers. Whereas women are often viewed as less culpable and treated less punitively when they violate criminal law, our findings suggest the opposite effect for mothers accused of physical abuse. Rather than receiving leniency, cases with mother perpetrators of physical child abuse were substantially more likely than other cases to have their children removed from the home.

2. Literature review

Few circumstances epitomize joint violations of laws and feminine gender norms more keenly than instances of child maltreatment by mothers. Ideological portrayals of women as the best and most appropriate caregivers can be found throughout the literature, including studies of family court practices (Blair-Loy, 2003; Daly, 2001; Hays, 1996). Overall, studies consistently show that mothers are more likely than fathers to receive sole or primary physical custody of children. This finding appears in both mutually-agreed custody arraignments and in court-resolved disputes regarding custody (Seltzer, 1990; Maccoby & Mnookin, 1992; Fox & Kelly, 1995). For example, across samples from Wisconsin, Santa Clara and Santa Mateo, California and Oakland County Michigan, mothers had sole or physical custody in approximately 89% of

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cases (Seltzer, 1990), 67% of cases (Maccoby & Mnookin, 1992), and 89% of cases (Fox & Kelly, 1995) respectively. Thus, while the magnitude of this disparity may vary across samples, there is nonetheless a clear and significant disproportionality in placement, wherein mothers become the predominant custodial caregivers.

When determining whether to remove children from parents' custody, how might mother's maltreatment lead social service agents to make different conclusions than in cases involving fathers? One possibility would suggest that the practical conditions under which neglect and/or physical child maltreatment occurs differs between mothers and fathers. Perhaps mothers and fathers in these situations vary with regard to pragmatic constraints, such as availability of other familial resources and support networks that facilitate keeping children in the home. The fact that mothers are overwhelmingly the custodial caregivers suggest that cases in which fathers receive sole custody may involve unusual circumstances. This would explain gender differences in child removal as a product of dissimilar concerns and possibilities social service workers face when making decisions involving mothers versus fathers. Unfortunately, there is little empirical assessment of potential gender differences in the specific family, resource, and other living conditions under which maltreatment takes place.

Furthermore, research on the role of parent gender on social services agency decision-making in child maltreatment cases is somewhat limited. However, research that does examine the role of parental gender in child maltreatment cases tends to be very consistent. The majority of the literature finds that fathers tend to be viewed as "invisible" (Edleson, 1998; Risley-Curtiss & Heffernan, 2003), uninvolved (Coohey & Zhang, 2006; O'Donnell, 1999; Strega et al., 2008), or even less culpable (Risley-Curtiss & Heffernan, 2003; Scourfield, 2002; Strega et al., 2008). Much of the research regarding the role of gender in child maltreatment cases focuses on the framing of mothers and fathers in cases that involve both domestic violence and child maltreatment (Bancroft, Silverman, & Ritchie, 2011; Kopels & Sheridan, 2002; Magen, 1999; Matthews, 1999). Specifically, many states have laws classifying omission as an act of harm. These laws have in turn been used to punish abused mothers for not protecting their children from being exposed to harm from their own abuser and in doing so, not only ignore the battered mother's identity as a victim, but also ignore the cycle of violence and frame the mothers as evil women who have chosen their abuser over their own child (Kopels & Sheridan, 2002; Matthews, 1999; Scourfield, 2001).

Even in cases not involving domestic violence, previous studies find that even when the mother is not the perpetrator of the abuse, they are still held responsible (Risley-Curtiss & Heffernan, 2003; Scourfield, 2002). Risley-Curtiss and Heffernan (2003) even found that even when the mother is not an active participant in the case, the case file may still be listed under her name. Studies have also shown that even when fathers or other male legal guardians are the perpetrators they are held less culpable and given unsupervised visits (Strega et al., 2008) or not culpable at all and may escape with no sanctions (Bancroft et al., 2011; Magen, 1999; Scourfield, 2001). On the whole it appears that courts and service providers in child maltreatment cases are not overly alarmed by male perpetrated violence against the mother or even children in some cases. It is possible that this violent acting out is expected and related to familial patriarchal. Familial patriarchal is an ideology supportive of the abuse of women who challenge the ideal of male power and control over women as it pertains to intimate relationships and has been used to explain male perpetrated violence among university women (DeKeseredy & Kelly, 1993; DeKeseredy & Schwartz, 1993).

There is research on gender differences in formal justice agency decision-making, especially in court settings. The focal concerns perspective suggests that there are specific rational criteria at work when court actors are making decisions (Kramer and Ulmer, 2009). Specifically, there are three focal concerns of punishment, blameworthiness, protection of the community, and practical constraints, that shape and

frame punishment decisions (Steffensmeier, Kramer, & Streifel, 1993; Steffensmeier, Ulmer, & Kramer, 1998). This approach highlights how status-linked attributions and stereotypes potential shape courtroom actors' assessments of blameworthiness, dangerousness, and rehabilitative potential.

Focal concerns explanations of gender disparities in sentencing outcomes often suggest that women are viewed as less dangerous and less culpable for their behaviors than similarly-situated male offenders. Officials may not only be reluctant to jail women with children, but also make more favorable assessments of women's character (Daly, 1987a, 1987b; Daly, 1989). They may believe that women had higher potential for reform. In addition, judges may believe that women were subject to more informal social control. Their perceptions of increased informal social controls regarding women make them deem formal controls less necessary, believing women could be rehabilitated absent of any incarceration. Familial-based paternalism may further encourage leniency for mother in the interest of practical concerns.

Some scholars argue that evaluations of women depend on the type of offense, and in fact violent women are treated more harshly by the criminal justice system. In what Heidensohn (1989) described as a "double bind" or "double deviance", women who perpetrated violent crimes are punished not only for their crimes, but for their deviance from female gender expectations as well (Heidensohn, 1989; Frigon, 1995; Chesney-Lind, 1999; Brennan & Vandenberg, 2009; Berrington & Honkatukia, 2002; Humphries, 2009). Lloyd (1995) also uses the term "double deviance" to describe society's punitiveness towards violent women.

Research supports this idea, finding that women are treated more leniently when they commit offenses that do not challenge conventional expectations of female behavior, while women who commit crimes considered 'unfeminine' are view more punitively (Grabe, Trager, Lear, & Rauch, 2006). In a content analysis of major newspapers, Grabe et al. (2006:156) discovered that when women "violated society's expected gender norms by acting violently or committing crimes against children, they received harsher journalistic treatment than...women who committed crimes but did not violate these gender stereotypes". Other works provide similar findings (for examples, see Seal, 2010; Berrington & Honkatukia, 2002).

With regard to child maltreatment, cultural norms that characterize mothers as the default caregiver and more qualified parent may certainly play out in these determinations. In cases of child maltreatment, social service agencies may be more reluctant to remove children from their mothers' custody. Indeed, agencies may emphasize the importance of family preservation and encourage agents to make efforts to keep children with their parents, particularly their mothers. In cases of mother's neglect, it may be easier to attribute cases involving child neglect to mitigating circumstances that deem mothers less blameworthy, such as poverty, mental health issues, addiction, or other explanations. These evaluations frame child neglect as a product of adverse conditions, rather than a lack of nurturing motivation, and as such don't necessarily actively undermine the ideals of the mothering role. Thus, these cases may be deemed as more warranting of services than child removal.

3. The current study

In the current study, we explore whether and how parent's gender affects outcomes across types of child welfare cases. Admittedly, our study employs unmeasurable micro-level attributions as the theoretical explanation for underlying agency outcomes. Capturing and quantifying exactly what service agents are thinking when making formal decisions is a challenge for any study of this kind. Unfortunately, there is no way to directly measure individual-level agent attributions, therefore they must be inferred from the results. In spite of this, it is important that studies of formal outcomes have some theoretical guidance. We also note that our strategy is common throughout the corrections and

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