



Substantiating neglect of first nations and non-aboriginal children[☆]



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ABSTRACT

First Nations (Native American) children are greatly overrepresented in the Canadian child welfare system, and disproportionality in the substantiation of maltreatment contributes to this overrepresentation. This study explores the factors driving disproportionality in the substantiation of maltreatment and, more specifically, neglect. Data from the Canadian Incidence Study of Reported Child Abuse and Neglect (2008) are used in multivariate analyses which examine the relationship between the substantiation of maltreatment/neglect and worker assessments of case, child, household, and caregiver characteristics. These case factors fully explain disproportionality in maltreatment substantiation for First Nations and non-Aboriginal children; the disproportionality reflects underlying differences in the case, child, household and caregiver characteristics identified in First Nations and non-Aboriginal investigations. However, case factors do not fully explain disproportionality in substantiation of neglect-only investigations. Further analysis indicates that the weight that workers assigned to caregiver substance abuse, housing problems, and presence of a lone caregiver when substantiating neglect also differed for First Nations and non-Aboriginal children. Discussion of these findings explores possible explanations for these differences, and links to broader discussions around definitions of neglect and the role of substantiation in child welfare decision making processes.

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1. Introduction

Aboriginal children are greatly overrepresented in the Canadian child welfare system; analyses of provincial/territorial administrative data indicate that the proportion of children in care who are Aboriginal is between 3 and 7 times higher than the proportion of Aboriginal children in the total child population across jurisdictions (Sinha et al., 2011). The Aboriginal population in Canada includes three federally recognized groups – First Nations, Métis and Inuit; First Nations are the largest of these groups. First Nations children constitute 64% of the Aboriginal child population in Canada (Statistics Canada, 2008) and there is evidence that they are more highly overrepresented in the child welfare system than Métis or Inuit children (First Nations Child Family Caring Society of Canada, 2005). The overrepresentation of First Nations children in out of home care extends a long historical pattern of state-sponsored removal of First Nations children from their homes. This pattern started with the residential school system, which was designed to further colonial assimilationist goals (Milloy, 1999), and continued under the auspices of provincial/territorial child welfare systems (Johnston, 1983). Both the current overrepresentation in care and the historical context of overrepresentation of First Nations children

in Canada parallel patterns for Aboriginal populations in the U.S. and Australia (Sinha, Trocmé, Fallon, & MacLaurin, 2013).

Within the child welfare system, the overrepresentation of children from specific ethno racial groups accumulates across a series of decisions. Substantiation of maltreatment, which typically involves assessment of whether or not a child experienced maltreatment, is one such decision. Analyses of two cycles of the Canadian Incidence Study of Reported Child Abuse and Neglect (CIS-2003 and CIS-2008) suggest that overrepresentation of First Nations children in the child welfare system is evident at the point of first contact with child welfare agencies and is compounded by the substantiation decision. Data from the First Nations component of the CIS-2008, indicated that investigation rates for First Nations children served by a large sample of child welfare agencies in Canada were 4.2 times that for non-Aboriginal children (140.6 investigations per 1000 First Nations children vs. 33.5 investigations for every 1000 non-Aboriginal children served by sampled agencies in 2008; Sinha et al., 2011). The disproportionality in investigation rates was compounded by substantiation disproportionality; while 58% of maltreatment investigations involving First Nations children were substantiated, 47% of non-Aboriginal investigations were substantiated. CIS-2003 also showed that a greater proportion of maltreatment investigations involving First Nations and Aboriginal children than non-Aboriginal children were substantiated; 52% of First Nations investigations and 47% of non-Aboriginal investigations were substantiated (Trocmé, Knoke, & Blackstock, 2004; Trocmé et al., 2006). Multivariate analysis of factors predicting substantiation of investigations included in the CIS-2003 showed that

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the differential odds of substantiation for First Nations and non-Aboriginal children were fully explained by case factors (Trocmé et al., 2006); substantiation disproportionality reflected underlying differences in case, child, household and caregiver characteristics. Analysis of CIS-1998 showed a similar pattern for Aboriginal investigations (Trocmé et al., 2004).

This study further explores factors driving the difference in substantiation rates for First Nations children and non-Aboriginal children, using data from CIS-2008. First we replicate analyses of the factors determining maltreatment substantiation, that were conducted using data from prior CIS cycles (Trocmé et al., 2004; Trocmé et al., 2006). We then repeat this analysis for a subset of neglect investigations, adding interaction terms to the model in order to examine the possibility that caseworkers assign different weights to caregiver and household risk factors when making substantiation decisions, depending upon First Nations status. Thus, for example, we examine the possibility that confirmation of caregiver substance abuse has a different impact on substantiation of neglect for First Nations children than for non-Aboriginal children. In discussing the implications of these findings, we link them to questions about the role of the substantiation decision in child welfare processes and about the definition of neglect.

2. Substantiation as a construct

Child welfare agencies receive reports based on concerns that a child may have been maltreated. Although there is no single child maltreatment classification system used by child welfare agencies and researchers, four categories are consistently recognized: (1) physical abuse, (2) sexual abuse, (3) neglect, and (4) emotional maltreatment (see, for example, Ellenbogen, Trocmé, & Wekerle, 2013; Leeb, Paulozzi, Melanson, Simon, & Arias, 2008; MacLeod, Tonmyr, & Thornton, 2004). In addition, child welfare agencies in Canada increasingly treat “exposure to intimate partner violence” as a distinct form of maltreatment (Black, Trocmé, Fallon, & MacLaurin, 2008). Substantiation of maltreatment involves determining whether or not a child has been maltreated, based on the assessment of evidence collected through practices such as interviews, face to face contact with the investigated child, and medical exams. In general, substantiation of maltreatment depends on the coexistence of strong evidence that maltreatment occurred and demonstrable harm or significant risk of harm (Drake & Pandey, 1996). However, from a conceptual perspective, it seems likely that a worker may take different factors into account when substantiating categories of maltreatment as distinct as exposure to intimate partner violence, physical abuse or sexual abuse. Indeed, there is empirical evidence that suggests that the factors affecting substantiation decisions might differ by type of maltreatment (see, for example, Cross & Casanueva, 2009).

There is ongoing discussion about the importance of substantiation in the child welfare process. Some argue that the focus of child welfare should be to address needs, rather than identify cases of maltreatment (Kohl, Jonson-Reid, & Drake, 2009). Others downplay the importance of the substantiation decision, pointing out that it typically does not directly determine service provision, and thus, may have fewer consequences than other steps in the child welfare process (Fluke, Harden, & Jenkins, 2010b). Still others argue that substantiation is an important decision, citing, for example, the U.S. Department of Health and Human Services found that “96% of children who are placed in out-of-home care [in the U.S.] are involved in investigations in which allegations of maltreatment are substantiated” (as cited in Dettlaff et al., 2011). In a similar vein, others suggest that, whether or not the substantiation decision *should* be a focus of the child welfare process, the widespread use of substantiation decisions for enumeration/definition of samples of maltreated children, and to measure recidivism, attests to the current importance of the measure (Trocmé, Knoke, Fallon, & MacLaurin, 2009). Empirical evidence on the importance of substantiation is also mixed. For example, Kohl et al. (2009) followed a cohort of children who did not experience out of home placement for 36 months after their first child welfare report.

They found that, controlling for demographics, maltreatment type, poverty, developmental status, and caretaker education, substance abuse and mental health, substantiation did not affect re-report. In contrast, however, Fuller and Nieto (2009) tested a similar model on a different sample and found that substantiation did predict re-report, and Trocmé et al. (2009) found that the clinical profile of substantiated cases differed significantly from that of cases which were deemed unfounded.

The Decision-Making Ecology framework is useful for understanding the substantiation process because it describes the systemic context for child welfare decisions. This framework highlights the ways in which case, decision maker, organizational, and external factors interact to shape child welfare decisions. Baumann, Dalglish, Fluke, and Kern (2011) recently integrated the General Assessment and Decision-Making Model (ADM; Dalglish, 2003) into this framework, incorporating the psychological processes of child welfare decision-making. GADM specifies that decision-making involves comparing an assessment (i.e., worker’s interpretation of factors in a particular case) to a decision threshold (i.e., the point at which the quantity or quality of evidence is deemed sufficient for substantiation). As depicted in Fig. 1, a worker identifies and reviews case factors in order to assess the evidence that a child was harmed or exposed to significant risk of harm. If the assembled evidence meets the worker’s substantiation threshold, maltreatment is substantiated; if the evidence does not meet the substantiation threshold, maltreatment is not substantiated. According to this integrated framework, differences in the substantiation rates for ethno-racial groups (substantiation disproportionality) might be driven by differences at several stages of the substantiation process: identification/review of case factors, assessment of harm/risk of harm, and determination of substantiation threshold. Moreover, each of these stages might be shaped by a complex mix of worker, organizational and external factors.

2.1. Substantiation in the Canadian context

The child welfare system in Canada has a decentralized structure in which responsibility for protecting and supporting children at risk of abuse and neglect falls under the jurisdiction of the 13 Canadian provinces/territories and a system of Aboriginal child welfare organizations (Gough, Shlonsky, & Dudding, 2009). All provincial and territorial child welfare systems share certain basic characteristics. However, there is considerable variation in the organization of service delivery systems, child welfare statutes, regulations and standards, assessment tools and competency-based training programs; this variation is even more pronounced when it comes to child welfare services for First Nations children and families (Sinha & Kozłowski, 2013). This pattern of commonality and variation also extends to the definition of and processes for substantiating maltreatment. Definitions of maltreatment are similar across Canadian jurisdictions; they include physical abuse, sexual abuse, neglect, emotional maltreatment and exposure to intimate partner violence. In addition, legislation in all jurisdictions identifies *risk of harm* as a sufficient basis for child protection intervention; a finding that a child actually experienced harm as a result of maltreatment is not necessary in order to substantiate maltreatment (Sinha, 2013). However, the operationalization and role of substantiation vary across jurisdictions. In some provinces, such as Quebec and Alberta, substantiation of maltreatment is a necessary precursor to delivery of ongoing services. In others, access to services is not as closely linked with the substantiation of maltreatment. In Ontario, for example, a worker might determine that a specific child maltreatment concern was unverified, but then provide family with ongoing services based on verification of an alternate code from a risk eligibility spectrum that includes concerns such as ‘request for counseling’ or ‘caregiver history of abuse/neglect’. The overlap between substantiation and service provision is evident in CIS-2008 data; nationally, 79% of maltreatment investigations which were to remain open for services were substantiated (Sinha, 2013).

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